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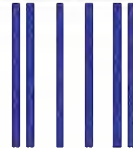
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Despite restrictions, cell phones are still a danger on highways

Editor's Note



Dana Heupel

I'll admit to a bit of a libertarian streak. I want the government to protect me from some things, such as terrorists, robbers and greedy investment bankers, but I'm not so sure when it wants to protect me from myself, such as requiring the use of seatbelts. So, as cell phones increased in popularity over the past two decades, I've been skeptical of attempts to limit or prohibit their use.

But now, I'm heading in the other direction. That's because I commute about 25 miles round trip to work, and almost every day, I come across someone who is driving like an idiot while talking on a cell phone. I'll bet you have, too.

You can recognize them by their silhouette: one hand on the steering wheel; one holding a phone to an ear. But often, you can identify them just by the way they drive: drifting over into the next lane, changing lanes or turning or exiting without signaling, traveling 20 miles an hour under the speed limit while nearby drivers play NASCAR to avoid them.

I'll acknowledge that while driving, I occasionally answer a call or make one to let someone know, for instance, that I'm going to be late because I'm held up by a train or stopped in traffic. But the operative word — for me, at least — is “occasionally.” If I need to have an involved conversation with someone, I'll call beforehand or afterward, or if I'm driving, tell him or her that I'll talk later. The problem isn't necessarily cell phones on the road; it's when the freedom to use them is abused. We all have seen motorists apparently on the phone for an hour or more — we'll pass them on the expressway because they're crawling along or weaving in traffic, make a 15-minute rest stop and catch up to them again, still crawling or weaving and yakking on the phone.

Illinois does regulate the use of cell phones while driving. All motorists are prohibited from text messaging or using the Internet while behind the wheel. Drivers cannot use cell phones in school or road construction zones. Motorists younger than

An Illinois House resolution passed in May calls for law enforcement in the state to better track cell phone involvement in crashes to provide data for a two-year study.

19 cannot talk on cell phones while driving. And drivers in Chicago must use hands-free devices. That's all well and good. But perhaps the state needs to do more.

In 2010, preliminary figures showed that in Illinois, cell phone distractions were the primary or secondary cause of more than 1,100 crashes, according to state figures. An Illinois House resolution passed in May calls for law enforcement in the state to better track cell phone involvement in crashes to provide data for a two-year study. Across America, the National Safety Council estimates that at least 23 percent of all traffic crashes — or about 1.3 million accidents annually — involve drivers using cell phones, including text messaging.

The National Highway Traffic Safety Administration estimates that at any given time, 1 in 9 drivers is using a cell phone. My anecdotal observances would be higher than that, but part of my commute is on a road that passes a high school, a community college and a state university. A *Consumer Reports* study found that drivers 30 or younger are 54 percent more likely to use cell phones than older drivers.

Legislation in the current General Assembly calls for studies about cell phone involvement in crashes and education programs for drivers — especially younger ones — on the dangers of phoning and driving. Several now-expired bills from the last

General Assembly would have prohibited the use of hand-held cell phones while driving — allowing hands-free devices — but they didn't get very far.

Besides Chicago, several other Illinois municipalities have enacted hand-held bans, including Highland Park and Evanston, according to the website handsfreeinfo.com. Plainfield also enacted a law against distracted driving, which includes cell phone use. Ten states (California, Connecticut, Delaware, Maryland, Nevada, New Jersey, New York, Oregon, Utah and Washington) and the District of Columbia have banned the use of hand-held cell phones while driving.

The safety issues probably could be best-addressed through education, but the more I observe drivers, the more I believe that most are either oblivious to everyone else on the roadway, or they simply don't care whether they endanger other motorists.

Limiting cell phones in vehicles to hands-free devices statewide might not be a solution, either. A 2008 study at Carnegie Mellon University found that just listening to a cell phone causes drivers to commit similar errors to those that can occur under the influence of alcohol. The findings "show that making cell phones hands-free or voice-activated is not sufficient in eliminating distractions to drivers," according to a university news release. And that study confirmed a 2004 analysis by the University of Illinois Urbana-Champaign, in which researchers "tested the

hands-free approach and found that drivers — young and old — struggled to see dangerous scenarios appearing in front of them," according to a release.

That leaves prohibiting cell phone use altogether while driving. While it would never fly politically, maybe the threat of a ban would upset enough people that it would drive a serious discussion about the dangers of phoning and driving.

Any reduction in drivers distracted by cell phones would make the daily commute of most Illinoisans safer and much less stressful. And if we could address that problem, we even might be able to deal with motorists who slow their vehicles to a crawl when they see a red light 1,000 feet ahead, apparently unaware or unconcerned that a driver behind them — ahem, me — wants to get into the left turn lane before the green light there changes.

* * *

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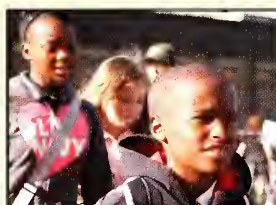


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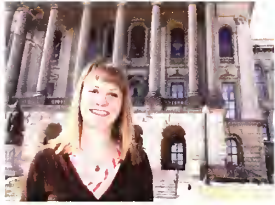
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Jamey Dunn

Closing hundreds of pools in Illinois may save lives

Hundreds of public swimming pools across the state were closed this fall when the Illinois Department of Public Health cracked down on pools that didn't comply with state and federal regulations.

According to the department about 85 percent of public pools comply with the 2007 Virginia Graeme Baker Pool and Spa Safety Act. However, about 500 pools were shut down October 1 for noncompliance.

Melaney Arnold, a spokeswoman for the Illinois Department of Public Health, says facilities have had plenty of warning about the new regulations, designed to prevent swimmers from becoming trapped underwater by filtration systems. "Starting in 2008, we sent a memo to all swimming facility licensees letting them know that it is our intention that they must comply with both state and federal laws." She says that over time, the department sent six letters to every public facility in the state. The most recent reminder came in February 2010. During that period, Arnold says, the state also worked with facilities that were attempting to make changes. "As long as they were somewhere in the process in working to become compliant, we didn't shut them down," she says. "[We were giving] extensions time and time again over the years."

However, Arnold says that to spur action from some facilities, the department had to draw a line in the sand and stop offering extensions. "We had to set that October 1 deadline. Pools were not coming into compliance." She says some of the pools on the list may have made the needed changes but are waiting for the department to inspect their work. Because of that, Arnold says, the number of pools on the closure list will likely drop soon.

Costs for upgrades can vary widely from a few hundred dollars for smaller changes to thousands of dollars for a filtration system overhaul. "Some may just need to have a different type of drain cover ... [but] more often than not, construction is required," Arnold says. Faced with the costs, some community pools may not reopen for their summer season next year.

Millstadt Village Treasurer Tracy Holmes told the *St. Louis Post-Dispatch*: "We were on the phone with [the Public Health Department] yesterday. ... We have no idea if it will be \$2,000 or \$8,000." Village officials are trying to figure out how to make the needed upgrades to their community pool, which has closed for the season.

Schools across the state are looking for new places to hold swim team practices and host meets.

Some schools, YMCAs and community pools were left scrambling because they say they misunderstood the department's directions. They now hope to get more time. Schools across the state are looking for new places to hold swim team practices and host meets. The Chicago suburban *Daily Herald* reports that the Taylor Family YMCA in Elgin has closed indefinitely because local officials misunderstood the timeline for the repairs. The downtown Springfield YMCA also had announced it would close the pool there for an indefinite amount of time, but the facility was later able to reach agreement with the state to remain open and upgrade its drain covers in December.

Local school officials are crying foul over the agreement the state made with the Springfield YMCA. "We have been told every which way that no extensions were going to be granted," Prentiss Lea, superintendent of the Libertyville and Vernon Hills high school district, told GateHouse News Service. "At the end of the day, who this is impacting most is kids."

However Arnold says no extensions were handed out before the deadline, and agreements will now be considered on a case-by-case basis. "They have the option of requesting a hearing and the possibility of entering into an agreement. So it's kind of like a settlement."

To qualify for an agreement, Arnold says, pools must already have a so-called corrective action plan to make their facility comply. "It can't just be a plan that an engineer scribbles out quickly." She says they must go through a lawyer and hash out a deal with the state that will likely include fines for missing the deadline. "It's part of a legal contract. We're not issuing an extension."

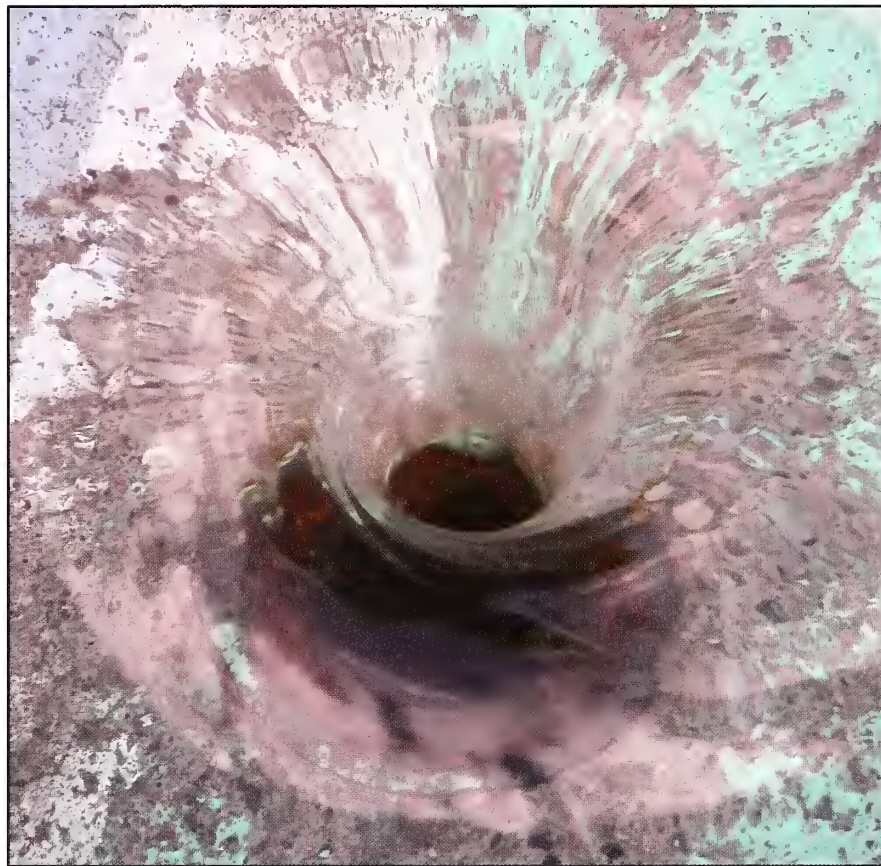
The results of skipping out on the filtration changes can be harrowing. From a U.S. Consumer Product and Safety Commission warning about blocked drains: "Under normal conditions, pipes leading from

a pool's drain, or into the pool's pumps, draw water from the pool, creating suction. If something blocks the pool drain leading into this pipe, the amount of suction will increase as the pump draws water past the obstruction. This increased suction can entrap parts of a person's body, causing the person to be held underwater. In wading pools, if a child sits on the drain outlet, the suction can cause disembowelment."

In 2002, 7-year-old Virginia Graeme Baker, granddaughter of former U.S. Secretary of State James Baker, was trapped underwater by a hot tub drain. "The drain's suction was so powerful that it took two adult males to pull her from the drain. They pulled so hard that the drain cover broke from the force. Graeme Baker died from drowning, but the real cause of her death was suction entrapment due to a faulty drain cover," said CPSC safety information.

According to the CPSC, which enforces the federal standards, between 1990 and 2004, 74 people were trapped by drains, resulting in 27 deaths. "The reported incidents involved people ranging in age from 22 months to 89 years. Most incidents were to older children (8 to 16 years of age); 77 percent of the victims were under the age of 15 years, with a median age of 9 years. In some of the cases, it appears that the child was playing with the open drain, including inserting a hand or foot into the pipe, and then became trapped by the increased suction and resulting tissue swelling," a CPSC report stated. In the same time period, the commission documented 43 cases of swimmers getting their hair tangled in pool and spa drains, which caused 12 deaths. "The water flow into the drain sweeps the hair into and around the drain cover, and the hair becomes entangled in and around holes and protrusions on both sides of the cover. Entrapment occurs because of the tangling and not necessarily because of strong suction forces, although the suction forces initially draw the hair into the drain cover." Eleven other cases of entrapment occurred during the period of the study, and they resulted in two deaths. The CPSC could not determine how those swimmers became trapped.

While incidents of swimmers drowning or facing lifelong damage are thankfully rare, they can be horrifying, such as the two cases of disembowelment documented by the commission. "The scenario leading to disembowelment typically involves a young child, 2 to 6 years old, who sits on an uncovered drain. The incidents occur primarily in public wading pools where a floor drain cover is broken or missing. Young children have direct access to the bottom drain in wading pools because of the shallow water. Generally, drains are equipped with either flat grates or dome-shaped covers. The domed shape helps to prevent sealing of the pipe opening by the body. However, if the grate or cover is unfastened, broken or missing, the potential for an incident exists," the report said. In both cases, the children survived, but the report described their injuries as "irreversible" and having a



"devastating effect on the victim's future health and development."

As a former lifeguard and swimming lessons instructor, I recognize that children need access to pools to learn proper water safety. I know that so many kids across Illinois count down the days until their community pool opens, and I have watched them line up outside on most sunny summer mornings well before my hometown pool opened its doors. I reminded them to walk when they could barely contain their excitement at the prospect of doing "cannonballs" into the water. I saw the pride that children in swim lessons felt after they went under water for the first time or executed their first dives.

Community pools are important to kids, parents and seniors, who often use them as a way to stay active and exercise with little resistance on aging joints. So it is difficult to see so many of them closed to the public. The frustration of local officials who face the potential loss of a beloved community asset while trying to balance budgets in difficult times is understandable. However, the CPSC has been warning about the dangers of certain drain covers and systems for close to a decade. While it is an inopportune time for public entities such as schools and municipalities to find money in their budgets for such upgrades, the possibility of a tragic accident makes it a necessity. The potential human costs — as well as the astronomical legal costs that could come along with a wrongful death lawsuit — make keeping such facilities open without a clear plan for compliance with safety laws far too great a gamble. ■

Noteworthy

ASIAN CARP

Fish gets a makeover

The Illinois Department of Natural Resources wants to change the Asian carp's reputation as a bottom feeder by starting an awareness campaign marketing it as a food source that is rich in protein and high in Omega-3 fatty acids.

The IDNR has launched a new initiative, Target Hunger Now, aimed at feeding hungry families while eradicating the invasive Asian carp in the state's waterways. The IDNR will work with commercial fishermen and processors to catch and provide the fish. Target Hunger Now expands the Illinois Sportsmen Against Hunger Program, which helps struggling families by providing them with donated venison.

"The first way to change that is by educating the public to the facts, and the facts are that Asian carp are not like common carp that sift and root at the bottom of rivers and eat [other] fish and worms and have, quite frankly, a muddy taste to them," says IDNR spokesman Chris McCloud.

Asian carp feed differently from common carp by filtering plankton. They are healthier because they have lower contaminant levels. In Asian and European markets, they are sought after and have been overfished, McCloud says.

"The main goal of IDNR is to try to remove as many fish as we can, and at the same time, also create demand," McCloud says.

Regardless of whether a market is established or there is demand, the department is removing Asian carp. The question has been whether they could be used as a food source, he says.

Photographs by Christi Mathis, courtesy of University Communications at Southern Illinois University Carbondale



Chef Philippe Parola explains how to cook Asian carp at a demonstration at Southern Illinois University Carbondale.

The department enlisted the help of chef Philippe Parola of Louisiana, who has been working privately to change the reputation of Asian carp. He has found a variety of ways to serve it, he says. "It's absolutely incredible. It's an excellent fish to eat."

Parola calls Asian carp "silverfin" and rebrands them as "Silverfin Craze," a precooked, boneless, value-added fillet that "will bring a new clean, domestic fish to U.S. consumers," he says.

"If you simply have this fish properly processed and marketed to various consumers, then you have a winner. 'A simple solution can resolve the whole problem. Serve the fish on the table,' Parola says.

McCloud says, "The biggest threat is them choking out the native fish populations. We have a multibillion-dollar sport fishing industry in the Great Lakes. There are also commercial shipping industries and other industries that rely on the waterways and the navigational locks to get their products from one place to another. But environmentally speaking, they breed very rapidly, they eat and consume amazing quantities of plankton, [behaviors] that obviously compete with our native fish."

It's unlikely that Asian carp will be completely removed, says McCloud.

"That would not be realistic at this point. We have to take it one step at a time. Right now, the goal is to get the population to a manageable size. In terms of whether they can be eradicated, that certainly remains to be seen, but the chances of eradication or the chances of what they call overfishing would certainly be greater if there was public demand for these fish," he says.

To reduce Asian carp populations in downstate Illinois and prevent their spread into the Great Lakes, Gov. Pat Quinn signed an agreement with China in July 2010 to export more than 30 million pounds of Asian carp per year.

"We believe the people of China who like to eat the Asian carp and look forward to doing that will find that this is the best Asian carp on planet Earth," Quinn said at the signing.

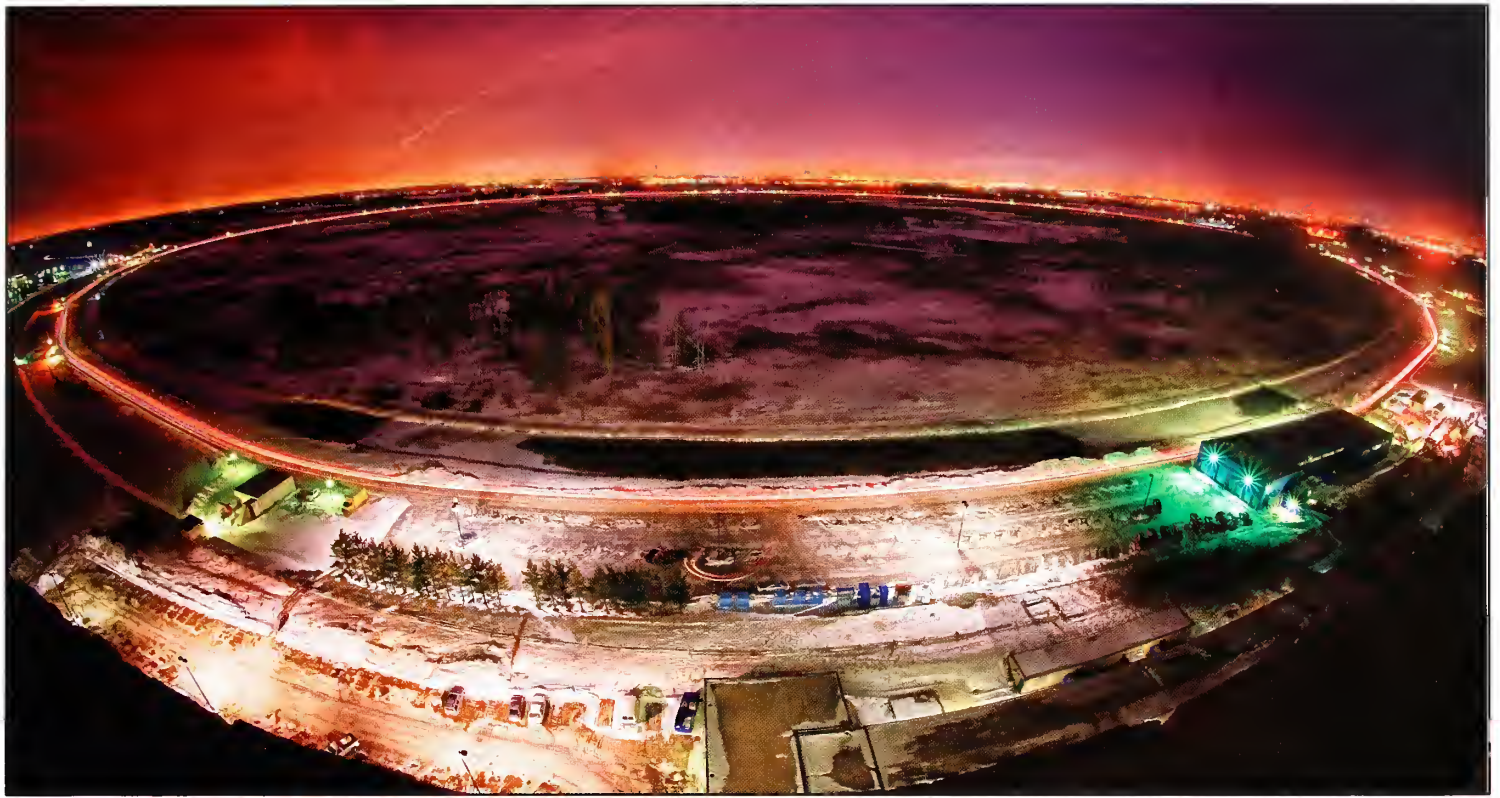
Under the private-public partnership, the state has invested \$2 million in capital funds to help renovate and expand Big River Fish Corp. based in Pearl in Pike County.

Complications securing a new facility, hot weather and high floodwaters over the summer curtailed fishing and has prevented the company from running at full volume, says Ross Harano, director of international marketing for Big River Fish. "We can sell all that we can produce," he says.

This September, Quinn traveled to China on a business and economic trade mission to further his goal of doubling Illinois' exports by 2014. China is Illinois' third largest export destination with more than \$3 billion in exports in 2010, according to Quinn's office.

Kendall Cramer

For more news, see the *Illinois Issues* website at <http://illinoisissues.uis.edu>



Tevatron shuts down

A night shot in February of the exterior of Tevatron's main ring

By the end of December, Illinois' premier scientific and engineering achievement, the Tevatron at Fermi National Accelerator Laboratory near Batavia, will stop colliding protons and antiprotons and finish shutting down, ending 28 years of data collection. Data analysis will continue another two to four years.

Fermilab, which is run by the U.S. Department of Energy, has been the target of budget cuts for more than a year. The Department of Energy could not secure \$100 million in funding that would have continued Tevatron's operation for another three years.

"We are seeing a continuum of erratic management of science by Congress and the political system," says former U.S. Rep. Bill Foster, a Democrat who is running for a return to Congress in the realigned 11th District. Foster spent more than two decades at Fermilab, where he helped design and build the Tevatron, which in 1995 scientists used to discover an essential building block of matter called the top quark. Other important discoveries include five subatomic particles known as baryons and another called the tau neutrino. Tevatron also helped advance the use of computer or "server" farms — groups of computers that share the work of complex analysis and data storage — and provided the motivation for the expansion of such business ventures as the superconducting wire industry and hospital MRI machines.

The Tevatron, the world's largest proton-antiproton collider, could accelerate and store beams of protons and antiprotons traveling in opposite directions around an underground ring four miles in circumference at almost the speed of light before colliding them at the center of two detectors that could identify the different types of particles that emerged from the approximately 10 million proton-antiproton collisions each second. Each collision could produce hundreds of particles. About 200 collisions per second were recorded at detectors for further analysis. Scientists could explore the structure of matter, space and time by analyzing the showers of particles created. The accelerator ring used more than 1,000

superconducting magnets, and the cable inside was cooled with liquid helium to negative 450 degrees Fahrenheit to conduct electric current without resistance.

Foster says shutting down the Tevatron is a particular cost to Illinois because "job losses will be spread over a wide area of northern Illinois." Pier Oddone, director of Fermilab, in June asked for volunteers to accept severance packages. A Fermilab spokesman, Kurt Rieselmann, says that 42 Fermilab employees took "voluntary separations" prompted by the realignment of research programs but that the rest of the lab's 1,800 full-time workers will remain employed working on ongoing projects and new projects starting up.

Over its lifespan, the Tevatron attracted scientists from all over the world. Today, physics power has shifted to the Large Hadron Collider, a 17-mile loop on the Swiss-French border that is three and a half times more powerful than the Tevatron. European scientists once traveled to Fermilab. Now, American physicists fly to Geneva, home of the European Organization for Nuclear Research, or CERN, which operates the LHC. The United States contributed more than \$530 million to the construction of that collider and its particle detectors. From Fermilab, U.S. scientists can remotely monitor the collisions produced by the LHC machine, and more than 2,000 U.S. scientists work on experiments at LHC. At a round table held at Fermilab in September, U.S. Rep. Judy Biggert of Hinsdale said that funding is crucial, according to a report in the *Chicago Tribune*. "I think basic science is the most important thing that will help us to compete in the global economy," she said. "We have to realize that basic science really drives industry and creates the jobs our children and grandchildren will enjoy."

Foster says all scientific projects end or are superseded by other research. Yet, he says draconian budget cuts in Washington, D.C., "preclude new projects. ... But we have to have new projects to replace the old ... so that as budgets grow, we can keep the heartbeat alive."

Beverley Scobell

Federal solution could be the future for Internet taxes

While large Internet retailers recently severed ties in Illinois over the collection of sales taxes, at least one such company has agreed to collect them in California. Those pushing to eliminate what they see as an unfair advantage for online sellers say that state's deal with Amazon.com could be the tipping point for a federal solution.

"California is the critical mass that advocates for sales tax fairness have long been looking to pass there," says Stacy Mitchell, a senior researcher for the New Rules Project, an organization that advocates for local communities.

Mitchell adds that with its large population, it is "one of the states that we have long felt could really change the conversation nationally."

Under the deal approved by the California legislature, Amazon will collect sales taxes by 2012 if federal legislation requiring online sellers to collect them has not been approved by that time. If Congress does pass a law, then the California plan would go into effect in 2013. Lawmakers delayed the enactment of legislation in exchange for Amazon dropping a drive to have the law overturned through a ballot initiative. The company also agreed to lobby Congress to create a federal plan. Amazon worked out a deal with Tennessee to collect the taxes in 2014. Necessary state legislation will be introduced next year.

Illinois passed a law requiring the online retailers to collect sales taxes based on their relationships with marketers in the state. To avoid collecting the tax, Amazon cut ties with those marketers in Illinois. However, U.S. Sen. Dick Durbin, an Illinois Democrat, says that Amazon's concession in California will help build steam behind his bill, which would require retailers to collect the sales taxes of local governments nationwide. "We certainly expect this bill to gain momentum over time, and the support is likely to be from the ground

up, and by that I mean that the broad bipartisan coalition of supporters — including governors, mayors, outside groups and organizations and companies like Amazon and Sears — is going to be crucial to building support at the national level," said a written statement from Durbin's office.

Advocates for Durbin's bill say by avoiding tax collection, online retailers are able to undercut the prices of brick-and-mortar stores that must collect sales taxes. Online shoppers in Illinois still owe the tax, but most are not aware or do not pay it.

"The Internet sales operations are clearly established across the United States. I don't think there is any question about that. And if we want to make sure that local business and small business have a fighting chance, a competitive chance, then we have to have a level playing field," Durbin says.

"[Previously] the prevailing settlement ... was to give these Internet sales operations a chance to get started. OK, they've had their chance."

However, the current partisan gridlock in Congress makes passing a substantial piece of legislation a challenge. Durbin is still looking for a Republican to cosponsor his bill. "Nothing is ever a foregone conclusion in [Washington,] D.C.," says David Vite, president of the Illinois Retail Merchants Association, which pushed for the passage of Illinois' law. Vite sent a letter to Amazon chief operating officer Jeff Bezos seeking a deal for Illinois. As of press time, the company had not responded.

Mitchell says a potential solution is primarily in the hands of the members of Congress. "What happens with Congress is going to be critical. ... Congress can come in and really cut to the chase." She says if no national law is passed, more states will likely pass legislation similar to the Illinois law. "I expect that there will be a domino effect in other states."

Jamey Dunn



Group aims to stop toll increase

A Chicago-based taxpayers group has filed a lawsuit against the Illinois State Toll Highway Authority seeking to stop a “back-breaking” 35-cent toll increase set to go into effect January 1.

The complaint asserts that the tollway authority has failed to comply with state law requiring conversion of tollways into freeways and for the agency to have a plan for its dissolution.

In August, the tollway authority’s board approved a \$12 billion, 15-year capital plan to expand and improve the 52-year-old roadway system. Bonds backed the passenger vehicle rate hike and a previously approved commercial toll increase, effective in 2015, will fund the plan.

“The tollway’s board is trying to steal our money for an unnecessary boondoggle — a huge pork barrel project that will benefit special interests and be paid for by middle-class users of the tollway,” says Taxpayers United of America president and founder Jim Tobin.

“They [politicians] will get big fat campaign contributions from the road contractors, engineers and members of organized labor,” he says.

The tollway authority issued a statement: “We haven’t seen the complaint, so it would be premature for us to comment, but we are confident that we followed the process as required under state laws.”

While the Illinois tollway is funded by user fees and does not receive federal or state tax dollars for its maintenance and operations, Taxpayers United considers the toll increase a tax because all users will pay more for projects that will occur in a limited area, he says.

The tollway, which was approved by the General Assembly in 1953, had a campaign slogan “Free by ’73,” Tobin says.

According to state statutes (605 ILCS 10), once bonds and interest have been paid, the tollways “shall become part of the state highway system and be maintained and operated free of tolls.” The authority “shall be dissolved” and any additional funds should be paid to the state treasurer.

The purpose of Taxpayers United’s lawsuit is to have the court rule against the issuance of the bonds so that the tollway can be made free, Tobin says.

The capital plan will improve traffic conditions, reduce pollution and unleash the economic potential of the region, according to the tollway authority. The authority estimates that it will save or create 120,000 permanent jobs, create more than 13,000 short-term jobs and add \$21 billion to the economy.

Taxpayers United disagrees and estimates that the hike will cost the average user \$300 to \$400 more per year, meaning less for groceries. “They will be stealing money from us for years.

“They lied to us. They are lying, thieving bastards, that’s what they are. I’m talking about the Republicans and Democrats who support this. ... They all need to be thrown out of office next year. ... They just hit us with a 67 percent income tax hike, and they are responsible for this 90 percent toll tax as well. ... We are going to try to get rid of at least 10 or 20 of them next year,” Tobin says.

The tollway authority oversees 286 miles of interstate and is used daily by 1.4 million people.

Kendall Cramer

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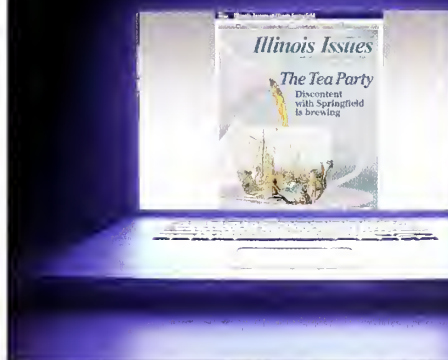
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Farmland prices rise

Illinois' 2011 farmland prices are up 18 percent from 2010 levels, according to a report by the U.S. Department of Agriculture. At the same time, the statewide median price of homes is down by 9 percent since August 2010, according to the Illinois Association of Realtors.

The increase continues an upward trend that has resulted in the price of the state's farmland being 222 percent higher in 2011 than in 2004. In 2010, an acre of Illinois farmland averaged \$4,900, while this year, farmland in the state costs an average of \$5,800 per acre, according to USDA's August report.

Increased demand for corn and soybeans, lower interest rates and the fear of high inflation and a double-dip recession are pushing up farmland prices, says Gary Schnitkey, an agriculture economist and farm management specialist at the University of Illinois Urbana-Champaign.

Lower interest rates tend to increase prices, and there are two reasons why, he says: "One, if a person is borrowing on farmland or needs to borrow funds to buy farmland, the lower the interest rate, the easier it is to borrow or to lower the cost of borrowing. The other reason why is because as interest rates go down, the return on assets other than farmland is going down as well." A more stable economic outlook would lessen aggressive growth, he says.



"If we begin to see the economy become healthier, then alternative investments will look better and farmland prices won't have so much upward pressure.

"In my opinion, one of two things would have to happen [for farmland prices to fall]. Either interest rates would have to begin to rise or cash rents, the returns to farmland, would have to decrease," Schnitkey says.

Schnitkey studied farmland returns from 1970 through 2011 to determine whether the state's current farmland prices are too excessive relative to future returns. If farmland prices are higher, the land is not supported by its returns, he says.

In 2010, farmland prices were below returns by about \$400 while this year, prices are above returns by more than \$200.

Kendall Cramer

U of I law school reported test scores inaccurately

The College of Law at the University of Illinois Urbana-Champaign has inaccurately reported median law school admissions test (LSAT) scores and grade point averages for the four most recent classes, according to the university.

In August, U of I president Michael Hogan ordered an investigation after the University Ethics Office received credible information suggesting possible inaccuracies with the class of 2014 profile data. The investigation is ongoing as of press time. Paul Pless, the assistant dean of admissions for the College of Law, was placed on administrative leave pending its outcome.

The median LSAT score for the class of 2014 was reported as 168, five points higher than the actual score. For the same class, the median GPA was reported incorrectly as 3.81 instead of 3.70. For the classes of 2011 and 2012 discrepancies occurred in test scores or grade point averages and for the class of 2013, both were reported incorrectly.

"Reporting erroneous data is absolutely unacceptable. The university, the campus and the College of Law place the highest priority on accuracy and integrity, and we will take measures to ensure this never happens again," Hogan said in a prepared statement.

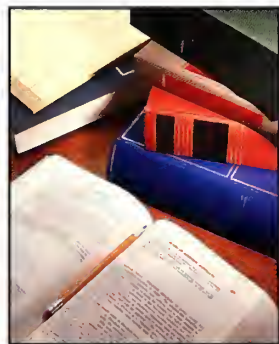
The test scores and grade point averages for the class of 2014 were used for promotional material and posted on the university's website. Profile data for the classes of 2011 to 2013 were shared with ranking organizations such as *U.S. News and World Report* and the American Bar Association, which accredits law schools.

The situation will not affect students or the credibility of the College of Law, says Thomas Hardy, executive director for the office of university relations for UIUC.

"I think that even not knowing the outcome of this inquiry, it goes without saying the University of Illinois College of Law and the new class of students, and all the other students, are among the best in the country. So, while it is disappointing and regretful that we have a situation like this, I don't think the outcome is going to alter the fact that this remains one of the best law schools and will continue to attract the best students in the country," he says.

The university has enlisted outside legal counsel with the law firm Jones Day and hired Duff and Phillips, a forensic analysis and data processing company, to assist with the investigation. *U.S. News* and the American Bar Association have been notified about the errors, the university says.

Kendall Cramer



Poverty numbers worsen

Since 1999, the number of impoverished people in Illinois climbed by about a third to 1.73 million, according to a Chicago-based research group that crunched U.S. Census Bureau numbers. The rate of poverty, at 13.8 percent, is up from 13.2 percent in 2009, according to the Heartland Alliance's Social IMPACT Research Center.

But the historical numbers look even worse for the nation as a whole, which has a poverty rate of 15.1 percent, up from 14.3 percent in 2009. The number of Americans in poverty, 46.2 million, is the greatest since the U.S. Census Bureau began tracking the poor in 1959.

Those poverty numbers emerged in September, just prior to the release of the annual report by Illinois' Commission on the Elimination of Poverty, which noted that the state is "moving in the wrong direction" from the panel's goal of cutting extreme poverty in half by 2015. When the commission was created in 2008, about 300,000 people were in extreme poverty. That number has climbed above 500,000, putting the state's extreme poverty rate at 6.1 percent. Extreme poverty, according to the federal government, equals an income of about \$10,000 for a family of four.

"I think the bottom line is not only are we adding to the ranks of the poor, people are falling farther behind," says Amy Terpstra, associate director of the Chicago-based Heartland Alliance's Social IMPACT Research Center, which analyzed the census numbers.

Indeed, the median household income in Illinois declined by 3.4 percent from 2009 to 2010 to \$52,972. That's a 13.1 percent decline from 1999, when the median income was \$60,595.

And the poverty numbers are even worse than they appear, says Karen Harris, director of the Asset Opportunity Unit of the Sargent Shriver National Center on Poverty Law. For example, the federal poverty line of \$22,314 a year for a family of four is based on methodology from the 1960s that doesn't represent the current economy.

"At the time the measure was developed, families of three or more persons spent about a third of their after-tax income on food. ... However, currently, food is only one-seventh of a family's budget, while the costs of housing, child care and health care, none of which are taken into consideration, have all risen disproportionately to the cost of food," she says.

Signs point to a bleaker situation.

"There are a number of things on the table for being cut, and those are the very things that have kept the poverty numbers from being even worse," Harris says, pointing to Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Programs (food stamps).

In Illinois, according to the commission on Poverty, the Fiscal Year 2012 budget calls for a \$45 million — or 32 percent — cut in TANF.

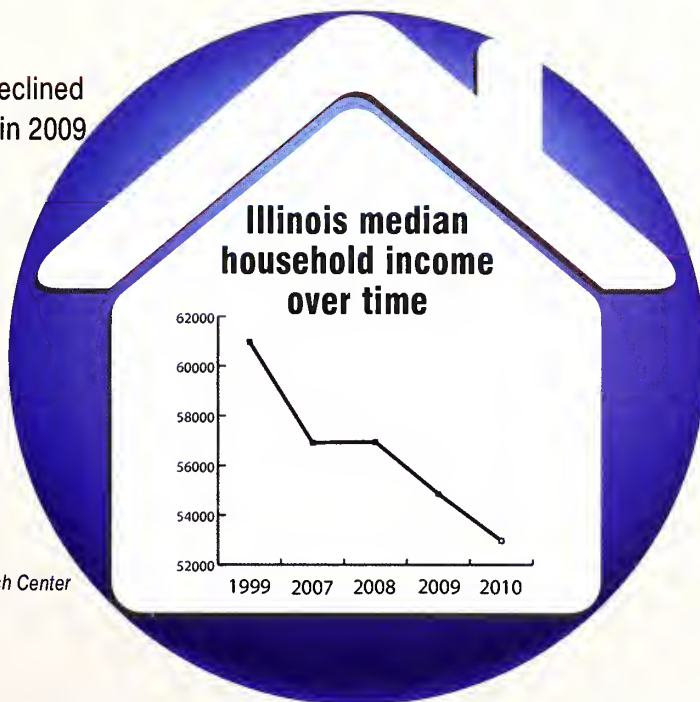
Maureen Foertsch McKinney

2010 median household income in Illinois: \$52,972

- Median household income declined by 3.4 percent from \$54,857 in 2009
- Median household income declined by 13.1 percent from \$60,965 in 1999.

All prior year's income data have been updated to 2010 dollars.

Source: Heartland Alliance's Social IMPACT Research Center





Burge cases echo in the court system

The consequences of decades-old cases of police brutality still echo through the state's criminal justice system.

The Illinois Supreme Court recently heard arguments on an appeal that will shape the future of Stanley Wrice and other defendants who claim they were tortured during Chicago Police Commander Jon Burge's rein of systematic abuse, which included beating, electrocuting and suffocating victims, who were all African-Americans, to force confessions. The earliest cases of such abuse date back to the 1970s. Burge was dismissed from the Chicago Police Department in 1991 but was not convicted of his crimes until last year. He was sentenced to four and a half years in prison.

Wrice was convicted in 1983 of holding a woman captive, raping and burning her. He says his 1982 confession was beaten out of him by Burge's henchmen in the basement of a police lockup.

After several attempts to get a new hearing based on the claim that the coerced confession tainted the jury's opinions in his trial, an appellate court sided with Wrice in 2010. The state appealed the ruling, and now the Supreme Court must decide if the admission of Wrice's confession as evidence in the first trial was what is known as a harmless error, meaning that it does not warrant a reversal of the original verdict or a new trial.

The state maintains that there was enough evidence to convict Wrice without the confession. "We need to quantitatively assess what those statements were to see whether they contribute to the convictions that were obtained, whether they are merely cumulative, or whether there's sufficient evidence ... apart from those statements upon which these convictions stand. The direct appellate court has already determined that there is sufficient evidence apart ... from these statements upon

which these convictions stand," said Myles O'Rourke in his argument before the Supreme Court. O'Rourke made the state's case on behalf of Stuart Nudelman, a former judge who has been appointed as a special prosecutor to oversee the state's role in several appeals from alleged Burge torture victims. O'Rourke said multiple witnesses testified that they saw Wrice going up and down the stairs of his home to heat an iron, which was used to burn the victim.

Wrice's lawyer says some of the witnesses were tortured as well. She argues that all the men involved in the rape have already confessed. "The victim herself, although it is tragic what happened to her, testified that three men sexually assaulted her. Three men pleaded guilty to this crime. ... Three men raped her, and three men pleaded guilty," Heidi Lambros, an assistant state appellate defender, told the court.

Several prominent members of the state's legal community, including former Gov. James Thompson, past presidents of the Illinois Bar Association and law professors, signed a document urging the court not to rule that the use of Wrice's confession in the first trial was a harmless error. They also ask that the court to use its power to order an investigation into other allegations of coerced confession made by those remaining behind bars. "The Burge cases confront this court with officially acknowledged systematic torture — an occurrence that is not only unique to this state, but a blatant violation of human rights. This extraordinary circumstance calls for this court to employ the Illinois Constitution in the most forceful way possible, to the end that this kind of disgraceful police conduct will never be repeated in our state," stated the brief filed with the court.

Jamey Dunn

State to try again to win Race to the Top money

Illinois is in the running for the third round of federal Race to the Top grants worth a total of \$200 million.

The grants are available to the nine states — Illinois, Arizona, California, Colorado, Kentucky, Louisiana, New Jersey, Pennsylvania and South Carolina — that were finalists but did not receive grants in the first two phases. Illinois is eligible for a \$28 million share of that pot, according to the U.S. Department of Education.

"Through Race to the Top, these nine states helped lead the way in laying the groundwork for key education reform around the country," said U.S. Secretary of Education Arne Duncan in a prepared statement. "We look forward to working with them in round 3 as they continue their work and transform their plans into significant investments that improve education for more students."

"According to the initial requirements for this third round of RTTT (Race to the Top) funds, any proposed budget must include meaningful support for science, technology, engineering and math education, and we are limited to pursuing initiatives that were in our phase 2 RTTT application such as the following: implementation of revamped performance evaluation; development of [a] learning and performance system to assist school districts and educators in driving instruction; and support for programs of study in [science, technology, engineering and math] education," state Superintendent

Christopher Koch wrote in his September 12 weekly message to school districts.

"We see this RTTT opportunity as a means to further implement the ongoing education reforms in the state. Illinois is well-positioned from our previous RTTT and other work, and I don't anticipate needing to pursue any legislative or other additional reforms simply to meet [education department] requirements for this third round of RTTT."

According to the Department of Education release, "suggested award sizes correspond with state population, and final award amounts will be consistent with a state plan. As proposed, Colorado, Louisiana, South Carolina and Kentucky are eligible to apply for up to \$12.25 million; Arizona can apply for up to \$17.5 million; Illinois, Pennsylvania and New Jersey are eligible for up to \$28 million; and California can apply for up to \$49 million." The original applicants included 46 states. The phase 1 winners were Delaware and Tennessee.

The 10 winning phase 2 applications were the District of Columbia, Florida, Georgia, Hawaii, Maryland, Massachusetts, New York, North Carolina, Ohio and Rhode Island. The top ranking state in phase 2 was Massachusetts, which had a score of 471.

Illinois scored 421.4 in round 1 and 426.6 in round 2, according to Matt Vanover, spokesman for the Illinois State Board of Education.

Maureen Foertsch McKinney

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Study points to lower pay for public workers

A recent study sponsored by a good-government organization found that while workers in the private sector are better paid than their public sector counterparts, that difference was offset some by greater benefits in the public sector.

Researchers at Boston College, in a study for the Center for State and Local Government Excellence, found that state and local workers have a “wage penalty” of 9.5 percent, but pension and retiree health insurance reduce the spread some, leaving the public sector workers earning 4 percent less on average.

The message that government employers should get in times of strained budgets is that they should remember the importance benefits play when hiring, says Elizabeth Kellar, president and CEO of the Center for State and Local Government Excellence. Kellar notes that even during the recession, a number of government job categories face shortages: engineering, finance and public health among them.

Robert Bruno, director of the Labor Education Program at the University of Illinois Chicago, says research corroborates the center’s findings. “You definitely see there is a wage premium on the private sector and there’s a wage penalty on the public sector side, and it can range from something more modest in single digits to upwards of a 15 to 30 percent difference. There is that spread. It is also true that a higher percentage in the public sector have employee-provided benefits than do the private sector workers. There’s all kinds of contingencies, but as a general statement that is correct.”

Donna Rogers, a Springfield-based human resources consultant, finds that in her area it does not hold true that salaries are lower. And usually, benefits and perks such as the number of days off are enough to make it difficult to lure employees from the public to the private sector.

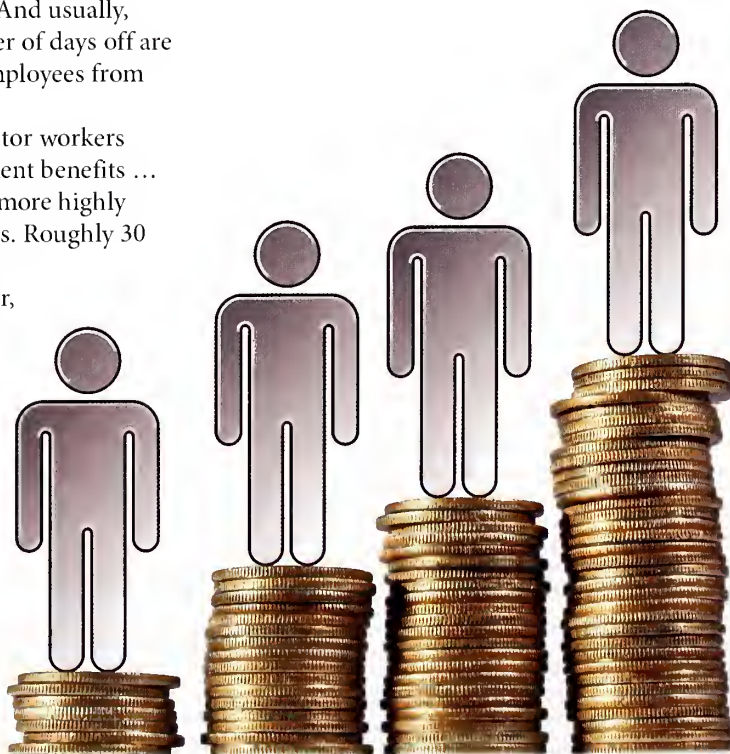
“One of the reasons why public sector workers would have better health and retirement benefits ... is that they are unionized and much more highly unionized than private sector workers. Roughly 30 to 33 percent across the country are unionized ... and in the private sector, unionization is small, roughly maybe 8 percent of private sector workers. We know that public sector workers have far better benefits than do nonunion workers.”

Bruno says a share of public sector workers are teachers, and they tend to be better educated than the average private sector employee. Also, government employees are working for the “public good.”

“So the message for the employer to get is that it’s important to provide at least competitive benefits, and at least try to be on par with compensation because you’re not producing a piece of plastic, you’re not producing a product as much as you are providing this valuable service to the taxpayers,” Bruno says. “And there are political ramifications. If you’re not happy, you don’t re-elect people, and there’s protests and there’s lawsuits. I think these are all the things the employer has to take into consideration.” Among some government officials there is currently an anti-union sentiment, he notes.

“It’s certainly a self-destructive attitude. It’s misplaced; it’s irrational. It’s based on a misunderstanding based on fear. No employer for the most part wants to be unionized. They don’t want to share wealth and, as a general rule, don’t want to have any restrictions on how to use that workforce. They want to have maximum control over use of that labor. But having said that, what the research says again, controlling for a number of variables, is that unionized employees are more stable, the quality of the work is higher. It generates middle-class jobs. It is much more virtuous. In the public sector, the economic crisis has just created an opportunity for people, if you will, political leaders, to act irrationally out of a misplaced or misguided sense that this is how you fulfill your obligations to your constituents or your taxpayers. You need to do something. You’re in a panic-crisis mode, so you attack the one thing that is readily apparent and easier to attack, and that’s labor.”

Maureen Foertsch McKinney



The movement

Feature

by Daniel C. Vock



The Tea Party, which began in Chicago, wants to stir up Springfield

To many Tea Party leaders in Illinois, state government needs more people like Arie Friedman.

A pediatrician from Highland Park, Friedman first entered politics just two years ago to protest the passage of President Barack Obama's federal health care law. Friedman is a business owner, a Navy veteran, a conservative and a candidate for the Illinois Senate. He says he does not need a job as a career politician — joining the state Senate likely would mean a pay cut — and he has no plans to do it forever. Most of all, though, Friedman is fed up with how the state is being run.

But if all that makes Friedman a good Tea Party candidate, it also makes him a good fit in today's Republican Party. As he campaigns for the state Senate, Friedman has met plenty of folks serving on Republican township boards and showing up at Tea Party meetings. "It's the exact same people," he says. "One meeting a month is not enough for them."

"There is a sense that the Tea Party is a separate part of the Republican Party," he says, "but that has not been my experience. There's a lot of crossover." Still, Friedman also says the underlying anxiety behind the Tea Party is felt by voters of all stripes,

especially when it comes to Illinois government. When he talks to residents about Illinois' tax hike, mounting pension bills or the growth of Medicaid, he says, "It is very rare to encounter someone who isn't nodding their head."

Next year, Illinois' Tea Party leaders plan to focus their efforts on making a difference in Springfield, and Friedman's race is near the top of their list in that effort. But if the doctor wins, it likely will not be because of the Tea Party alone. Friedman has a clear path to the Republican nomination, but he is likely in for a harder fight in the general election. The district, which is now represented by retiring Democratic Sen. Susan Garrett, became more balanced between parties in redistricting — in the last election, it went for Democrat Pat Quinn for governor and Republican Mark Kirk for the U.S. Senate. That means whoever wins the state Senate seat will most likely do it with the help of their state party.

It is situations such as those that make it hard to gauge the success of the Tea Party separate from the success of the Republican Party as a whole. Tea Party adherents maintain that the movement, and its 100-



Dr. Arie Friedman



Arie Friedman on the campaign trail

plus groups in Illinois, is nonpartisan. But it is clearly a movement of the right. Despite its name, the Tea Party is not a political party. It is about issues more than individuals. That means, though, that it needs candidates to be the vehicles for the ideas. More often than not, those candidates are Republicans.

In a blue state like Illinois, the Tea Party has its work cut out for it. Friedman talks about flipping the state Senate to Republican control, which would require the GOP to pick up six seats. Because of the once-a-decade drawing of new maps, all 59 seats in the upper chamber this year will be on the ballot. Of course, Democrats drew those maps in the first place, giving their candidates the upper hand. But if Republicans controlled that one chamber, Friedman says, they could force Quinn to the negotiating table to deal with pension costs, spending cuts or, as Friedman describes it, Medicaid eligibility curbs to keep that “failed” health insurance program solvent and able to treat those most in need of medical care.

In being so closely allied to one party, perhaps the best way to look at the Tea Party, then, is as an interest group, like a chamber of commerce or the Sierra Club, with a very clear point of view that coincides with one party a heck of a lot more than the other.

“We basically view our role in the Tea Party as a counter to all the big-money progressive groups, like the unions, who are well-funded,” said Steve Stevlic, before he resigned as director of the Chicago Tea Party Patriots. “We realize we don’t need as many people as them because we have a better message, and we actually have solutions to the problems of the state and the federal government. We just need people who are informed and engaged, and we think we can make a difference.”

Stevlic, who stepped down as leader of the Chicago group in October when his prior arrest for soliciting a prostitute came to light, was one of the lead organizers of a Midwest convention of Tea Party activists who gathered in Schaumburg from



St. Louis Tea Party co-founder Dana Loesch and commentators Glenn Beck and Andrew Breitbart appeared at the Midwest Tea Party Convention — TeaCon — in Schaumburg this fall.

September 30 to October 1. The event featured high-profile speakers, including former Fox News host Glenn Beck, commentator Andrew Breitbart and presidential candidate Herman Cain. But Stevlic says the main goal of the 980-person convention was to “educate, energize and engage people for the 2012 election.” That means the most important part was not the marquee speakers but the nuts-and-bolts training attendees received.

This year, more of those efforts will be directed to races at the state, rather than the federal, level.

In the days following last year’s elections, Tea Party activists in Illinois had a lot to celebrate. Illinois voters ousted four Democratic members of Congress and kept a politically competitive fifth seat in Republican hands. It was part of a nationwide backlash against Obama that flipped control of the U.S. House to the Republicans. The Democrats on Capitol Hill no longer could pass new laws on their own, which they essentially did to enact two of the most reviled laws in Tea Party circles: the federal stimulus law and the “Obamacare” health reforms.

From its inception, the Tea Party focused heavily on federal issues. CNBC commentator Rick Santelli, after all, launched the movement from the floor of the Chicago Mercantile Exchange in 2009 with a rant on provisions of the stimulus law that would reduce the interest rates on mortgages for people who could not make their payments. “This is America!” he vented, turning to the traders beside him. “How many of you people want to pay for your neighbor’s mortgage that has an extra bathroom and can’t pay their bills?”

“We’re thinking of having a Chicago Tea Party in July,” he said. “All you capitalists that want to show up to Lake Michigan, I’m gonna start organizing.” A lot of organizing followed, and the Tea Party propelled new politicians to Congress, including Republican Joe Walsh from the Chicago suburbs, who eventually became one of cable television’s favorite guests among the class of new Republicans.

But back at home, Illinois Tea Party leaders recognized that state government remained firmly in Democratic hands, once Quinn squeaked by Republican Bill Brady to hold onto the governorship. So some 40 Illinois Tea Party leaders gathered on November 20, 2010, at a Lisle hotel to take stock. “We basically decided as a state Tea Party that we would allow some of these other states that had things better under control to work on the federal issues,” says Jane Carrell, coordinator of the Tea Party of Northern Illinois, which is based near Rockford, “while we focused more on our corrupt, lousy state of Illinois and helped to elect a different legislature next election.”

The leaders drew up a list of issues they thought need to be addressed at the Statehouse. They want to rein in pension costs and public employee benefits; include Illinois in a pact with other states to reject Obama’s health law; overhaul education laws,

including the elimination of English as a Second Language classes; require voters to present identification at the polling place, ensure that military voters overseas receive their ballots on time and other election-related changes, including, of course, curbing the power of public-sector unions.

But the exact mix of priorities depends greatly on the Tea Party chapters because of their vastly different characters. Some chapters in southern Illinois meet over kitchen tables, while suburban groups may draw 300 people to a monthly meeting, says Denise Cattoni, coordinator of the Illinois Tea Party Patriots.

Stevlic, the former head of the Chicago group, says public pensions are the top issue for his members, as they are for most Tea Party groups in the state. But the Chicago group also weighed in on the politics of nearby Wisconsin. Chicago Tea Party volunteers rallied in support of Republican Gov. Scott Walker, who stripped unions of many of their powers there, and volunteered in the ensuing recall campaigns of Wisconsin state senators, Stevlic says.

The chapter also emphasizes school vouchers, which would allow parents to choose whether to send their children — and the tax money that pays for their education — to public schools or private schools. That issue, in particular, has helped his group attract support in the black community, he says.

“They know that the Democrat Party has ruled Chicago and the state for a long time, and it’s not making their communities any better,” Stevlic says. “It’s not making their schools better. It’s not making their streets safer. It’s not creating more jobs in their community. So they’re frustrated.”

“What the Tea Party does is, it gives them an outlet where they don’t have to turn to the

Photograph courtesy of the U.S. House of Representatives



U.S. Rep. Joe Walsh



Republican presidential candidate Herman Cain appeared at TeaCon in Schaumburg. He's pictured here in Ames, Iowa, in February.

Republican Party. They know we're nonpartisan, so we're reaching out to people who do want to do work, for example, on school choice," Stevlic continues. "When we're able to convince them that we're not simply an arm of the Republican Party, we are actually pretty well-received in just about every community."

Rodney Davis, acting executive director of the Illinois Republican Party, says: "What I see the Tea Party movement doing, and what happened in 2010, was they helped broaden our base. They brought a lot of disgruntled nonvoters and former conservative Democrat voters into the Republican fold, and I have to commend them for that."

Davis says many Tea Party members are running for Republican precinct committeemen positions that have long been vacant. That strengthens the Republican Party by giving it more ground troops on Election Day, and it gives the Tea Party a bigger voice in the Republican Party.

While the Tea Party groups are not tied directly to the Republican Party, national polls suggest they are drawing from the same pool as the GOP. The Pew Research Center found last year, for example, that more than four of five Tea Party members either considered themselves a Republican or an independent who leans toward the Republican Party. Only 13 percent of Tea Partiers identified as Democrats or independents who tended to vote for Democrats.

Overall, Pew concluded, Tea Party supporters were "more likely to be male, white, affluent, weekly church attenders and to follow national news very closely." While fiscal responsibility and smaller government are the rallying cries of the movement, its members tend to be more conservative than the general electorate on social issues, too. They are

more likely, for example, to oppose same-sex marriage, abortion, the possibility of citizenship for illegal immigrants and gun control.

Nationally, support for the Tea Party is waning, especially among independents. In February 2010, a quarter of Americans had a good impression of the Tea Party, while a third viewed it negatively, according to Pew. This August, roughly the same percentage viewed the movement favorably, while 43 percent saw it negatively. The shift came as more people became familiar with the movement, and Democrats and independents turned against it. Conservative Republicans gave the Tea Party even higher marks this summer than before — with nearly three-quarters approving — while more moderate Republicans are split.

The Tea Party is by no means alone in seeing its numbers drop. The same is true, of course, of Obama. Congressional approval ratings are also at all-time lows.

Meanwhile, Republican members of Congress from Illinois must deal with a new district map, drawn by Democrats, that would force many GOP incumbents to run against each other or compete in almost entirely new territories. Although Republicans challenged the map in court, it already has set up struggles within the party, as Walsh, the Tea Party darling, declared that he would challenge fellow Republican Randy Hultgren for a west suburban congressional seat.

At the state level, a Democratically drawn map forced another Tea Party-backed incumbent, state Sen. Sam McCann, to run in a district based in Sangamon County, rather than closer to his base in the Jacksonville area in Morgan County.

Despite all the obstacles, the people working with the Tea Party in Illinois think their members are more fired up than ever. "The underlying emotion is anxiety, particularly about Illinois," explains Friedman, the state Senate candidate. "The elections are a chance to do something about it. That feeling is stronger [now] than it was in 2010."

Republican Party chief Davis says: "People forget that it wasn't too long ago that people in Illinois didn't talk about electing Republicans north of Springfield. Now, we have healthy primary contests. ... It's healthy to show Republicans have the base."

Cattoni, the Illinois Tea Party coordinator who was one of the very first to join the fledgling movement after Santelli's call to arms, does not expect any miracles. "Illinois is not going to get better any time soon," she says. "But we're making a difference. Looking back on it, since I've been involved since the very beginning, it is amazing to see at least we have changed the message in D.C. Even the president is saying: Stop the spending. It is amazing to be part of that."

Daniel C. Vock is a reporter for Washington D.C.-based Stateline.org



CHARTER SCHOOLS

Students gather for the first day of school at ChicagoQuest Charter School.

Judging those institutions depends on their missions

Feature

by Kristy Kennedy

When a student sits at Vickie Kimmel Forby's desk and says he's thinking about dropping out of Tomorrow's Builders YouthBuild Charter School in East St. Louis, she makes sure there is a clear view of the bulletin board behind her.

On it are 23 obituaries of former students, most lost to murder. "I want them to reflect," Forby says. "I have success stories all over, but there's not a name they don't know or a face they don't recognize up there."

The school's 108 students come from grim circumstances where violence and extreme poverty are a way of life. About 30 percent of students don't live with their parents, many of them "sofa surfing," rotating their nights on different friends' couches, essentially homeless. A parole officer visits the school to check in with about 20 percent of students. Forby, or Miss Vickie as everyone calls her, has grieved at their funerals, raced to the hospital when they have been shot, attended the births of their babies and picked up the phone when they have called in the middle of the night.

Forby has the distinction of being the executive director of what has been called the worst charter school not only in Illinois but in the nation.

On paper, Tomorrow's Builders' academic record is abysmal. In 2010, none of the high school's

students met or exceeded academic state standards in any area, and the school's average ACT score was a 13.4. The state average that year was 20.7.

Compare that with the Noble Network of Charter Schools, seven college prep high schools in Chicago serving about 6,500 students. In 2010, all of the Noble schools scored in the top 10 of Chicago's open-enrollment high schools on the ACT, with average scores ranging from 18.7 to 20. Just like Tomorrow's Builders, the top two ACT-scoring schools — Pritzker and Noble Street — serve low-income students.

It is easy to say Tomorrow's Builders is failing while the Noble schools are succeeding. But the better question might be whether only comparing test scores is the best measure of charter school success. Most of the Tomorrow's Builders students read at a fifth-grade level or lower and had previously dropped out of school. "We're specifically set up to serve the lowest learners," Forby says. Meanwhile, the fact that all the Noble schools are "college prep" means students there likely have an interest in furthering their education, in effect weeding out other kids. Comparing the two programs is to some degree like apples and oranges.

Weighing the success of different schools is tricky, experts say. "When a charter school is created, there

is a disincentive to work with the disadvantaged, who likely are not served well in public schools," says Peter Weitzel, who works in research for the University of Illinois Springfield and co-edited the 2010 book, *The Charter School Experiment*. "There is great need for innovation in that area. If you really want innovation, do you measure charter schools in the same way that you measure regular schools? There are definitely big problems with the mathematical approach to school and teacher performance."

Results of studies on the success of charter schools vary, but in nationwide comparisons, Illinois has fared pretty well. Experts say Illinois charters are some of the most successful in the nation. For instance, a 2007 study of six Great Lakes states by Western Michigan University showed Illinois had the best performance.

"I would speculate that is because Illinois has had slower growth and has smaller charter school reform and a higher proportion of school closures, which means better oversight," says Gary Miron, an education professor at Western Michigan. Tempering that good news, Miron points out that a compilation of more than 80 national studies on charter schools revealed there is no overall difference in how students perform in charter schools versus public schools. That said, there are some successful charter schools in each state, as well as some where students perform worse than their peers in public schools.

Experts agree charter school success comes with oversight and the ability to shut down poorly performing schools. This is where Illinois succeeds. Local school districts not only approve charter schools in their districts but also decide whether to renew a school's charter if it isn't doing well. Local school district and charter school officials know each other. "The charter schools [in Illinois] know they are being watched and that they are accountable," Miron says. Most proposals for new schools in Illinois are rejected. In Chicago, about 15 to 25 new charter school applications are considered each year. Only five to eight of those are typically approved, says Andrew Broy, president of the Illinois Network of Charter Schools.

States with less discernment, that believed in a "free-market" approach, now have struggling charter school programs. Lax oversight caused by the quick growth of charter schools has kept states such as Michigan, with 175 schools opening in five years, from closing poorly performing schools, Miron says. It has been difficult for those states to keep track of the charter schools that open and to hold them to rigorous accountability standards when they weren't in place from the beginning. "The expectation was that these schools would go out of business because families would turn their back on underperforming schools," he says. "That hasn't really happened." In fact, there are waiting lists at schools where students perform worse than their peers in public schools, says Chris Lubienski, an associate professor of education



A graduating student prepares to hug Vickie Kimmel Forby, executive director of Tomorrow's Builders YouthBuild Charter School in East St. Louis.

at the University of Illinois Urbana-Champaign and co-editor of *The Charter School Experiment*.

Meanwhile, Illinois' slow growth has been purposeful. In 1996, four years after the first charter school opened in Minnesota, Illinois legislators initially allowed for the creation of 45 schools — 15 each in Chicago, the collar counties including suburban Cook County and downstate. The hope was that charter schools would improve educational opportunities for students, particularly those at risk in Illinois, through innovative operations and teaching methods. "It was a new way of thinking of a public school," Broy says.

The law exempts charters from most state laws and school code regulations, allowing the schools to focus more on results, Broy says. That freedom means flexibility for longer school days, original curricula and last-minute budget shifts to better meet students' needs, says Jennifer Cline, communications director for New Schools for Chicago. For example, some charter schools have extra instruction in math and reading, while others build social/emotional support into the day with guidance counselors and social workers. A school might structure the school day so that all students are occupied in music at the same time, giving teachers in other areas time to meet for professional development. Or, Cline says, a school might opt to hold off buying new computers to pay for a teacher's aide for a difficult class.

It's about meeting the needs of students and propelling them forward, says Beth Purvis, CEO of Chicago International Charter School. "Our job is to create an environment where they will move," she says. That means giving a hungry child breakfast

before school, figuring out how to add some rest into a tired kindergartener's day and matching classroom material with a student. "We meet the kid where they are and move them to the next level; it has nothing to do with complexity," Purvis says.

Charter schools also are exempt from union contract requirements approved by school boards in their district, although some charter schools do have unions in place. Of late, the charter school movement in Chicago has met with resistance after taking off in 2004 when Mayor Richard M. Daley and Chicago Public Schools CEO Arne Duncan unveiled an initiative called Renaissance 2010, aimed at opening 100 new charter schools in the city. The initiative raised more than \$50 million to open 70 new schools. Now called New Schools for Chicago, the group is working toward opening an additional 50 charter schools in the next five years.

That doesn't sit well with the Chicago Public Schools teachers union, which pushed in January for a moratorium on charters. Also, the union is cool to the current effort to lengthen the school day in Chicago schools, although six public schools have already lengthened their instructional days. The change was supported by charter schools, which provide a longer day for students. Advocates for charters say that is a good example of competition spurring a change in public schools.

According to a financial study of Chicago charter schools released by the Civic Federation in October, charter schools spent about 15 percent less per pupil, \$10,960, than Chicago public schools, \$12,920, in 2008. "There's an inequity," says Cline of New Schools for Chicago.

Money has been cited as major factor in the failure to open more charter schools in the collar counties and downstate. Currently, there are only 14 charter schools outside Chicago. Because charter schools are public, a percentage of tax dollars follows students. "School districts lose money [to charters]," Broy says. "Some districts have been unwilling to give charters a fair hearing, making it difficult to sell Illinois to national charter groups." For instance, he says, a charter school proposed in Waukegan in 2008 was well-supported in the community and would have been a good option. According to news reports, the charter was voted down because of fear it would drain funds and bright students from Waukegan High School. The charter hoped to eventually serve about 600 students, which would have diverted millions of dollars away from the high school.

Also, consider the number of school districts in Illinois — 868 with the smallest of them serving fewer than 100 students. Charter schools are unlikely in small, well-performing districts. Thanks to a new state law approved this year establishing an independent commission with the authority to approve and oversee public charter schools, Broy expects more charter schools to open outside

Chicago. "We're optimistic that we're going to see more realistic support for new schools," Broy says. "I suspect we'll see the number of charter school applications [downstate and in the collar counties] go up dramatically."

There is room for growth throughout the state.

Over the years, Illinois charter school legislation has been expanded to allow for a total of 120 charters with 70 permitted in Chicago, an additional five allowed in Chicago devoted to serving re-enrolled dropouts, and 45 in the rest of the state.

Statewide, 51,000 students are served with about 16,000 on waiting lists, Broy says. Because charters can operate more than one campus, there are 109 schools located in Chicago with 29 charters still available in the city, according to the Illinois State Board of Education. An additional five are available for Chicago programs that would serve dropout students. In the collar counties and downstate, there are 31 charters still available and 14 charter schools open, according to the ISBE.

Illinois charter schools vary in the programs they offer: A dual language school teaches half in English and half in Spanish. An environmentally focused school has students experience the outdoors daily. Another school focuses on healthy living, eating and exercising. Some serve all girls or all boys. Others are college prep. Some are innovative in the way they operate. An example is The Chicago International Charter School, which uses portfolio management to oversee 15 schools in the city and one in Rockford.

Photograph courtesy of the Chicago International Charter School



Day No. 1 at ChicagoQuest Charter School, one of 16 schools run by the Chicago International Charter School

The charter runs operations but has enlisted five school management organizations to hire teachers and outline the school day. "Our innovation has been focused around our business model," says Purvis, CEO of Chicago International. The charter allows schools to enjoy economy of scale but also gives them independence in the way they operate.

Four schools in the charter are run by a national organization called Victory that features a "high quality, back-to-basics" curriculum. Character development is emphasized, and assessments are used to determine what instruction is provided to students. If tests reveal students haven't grasped phonemic awareness, lessons will focus on that weakness until students get it. In contrast, the Chicago International just opened ChicagoQuest, which holds longer classes combining subjects. Assignments are missions. For instance, students might have to help a tribe of people leave their homeland because of flooding. They have to build a new village and along the way master curriculum standards. "The delivery of education is very different. That's what our portfolio allows us to do," Purvis says. "Quest is an innovation and a risk. In three to five years, we'll know if this accelerates learning. If it does, we could replicate it in the network, and if not, we would have one of our other portfolio managers come in and take over."

Successful charters share some positive benchmarks such as academic growth of students, good retention rates, college-bound students who enroll and graduate, and financial accountability. "This isn't just about creating more schools," Broy says. "It's about making sure the schools are great schools and are transforming students' lives in meaningful ways." In contrast, failing schools typically lose students, have poor test results, aren't financially sound and have a disconnect between teachers and management.

Despite the lack of solid data that would definitively show charter schools outperform public schools, it appears charter schools are here to stay, says Don Shalvey, deputy director of U.S. Programs for the Bill and Melinda Gates Foundation, which has invested about \$700 million in charter schools. "The reason we support the charters is because they are a part of what the best education system ought to be," Shalvey says.

Forby believes her Tomorrow's Builders program is a valuable part of that system. "The test scores really beat us down," she says.

"We take young people who have learned to navigate the streets and survive. We're trying to teach them how to compete — to read, do math and talk to people. The value in what we're doing is that we're trying to teach them to be contributing citizens, not existing citizens." ■

Kristy Kennedy is a Naperville-based freelance writer.

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Feature

by Jamey Dunn

Indications point to favorable legislative conditions in Illinois

Illinois House Speaker Michael Madigan recently made waves when he attended a fundraiser for Republican U.S. House Speaker John Boehner, the political arch nemesis of Madigan's fellow Illinois Democrat, President Barack Obama. Madigan, the state Democratic Party chairman, went as the guest of Terrence Duffy, executive chairman of the CME Group. In the wake of last year's income tax increase, Duffy has threatened to move the Chicago-based futures and derivatives trading operation out of state. Madigan's spokesman, Steve Brown, told the *Chicago Sun-Times* that the Illinois speaker did not contribute to the U.S. House speaker's political action committee, and the reason for his attendance was Duffy's invitation, as well as political bridge-building. "We've said for more than a year, one of the messages of 2010 is the need for people to cooperate, and that's what Madigan's tried to do," Brown said.

Since the country's economic crisis and subsequent recession, efforts to decrease unemployment and get the state on sound fiscal footing have made for some strange political bedfellows and some concrete developments on longstanding hot-button issues. With

the state's unemployment rate at just below 10 percent, elected officials of all stripes can feel the public dissatisfaction with the so-called jobless economic recovery nipping at their heels. "You can't pick up a newspaper, read an article ... watch a television show or listen to the radio without people talking about jobs and people talking about growing businesses," says David Vite, president of the Illinois Retail Merchants Association. "That kind of backdrop has caused leaders of all political parties to take a much deeper look for a kind of welcome mat for those who can and will grow the economy through creating new jobs."

Gov. Pat Quinn chastised Madigan in the media for attending the fundraiser. But if Madigan's top priority was to keep Duffy happy, then Quinn had little room for complaint. The governor has promised \$100 million in incentives to Motorola over the next 10 years in exchange for that company staying in Illinois. He gave \$3.2 million to Chicago-based Groupon so the company would add 250 new jobs in Illinois as opposed to operations in other states. He has also said he is open to working out similar deals with Sears and the CME Group to entice them into staying.



At the beginning of the spring legislative session, all four caucus leaders had a shared goal. "I believe that workers' compensation overhaul is the single most important piece of legislation we can pass this session to prove that we're serious about improving the business climate," Senate President John Cullerton told a group of business leaders at a luncheon early in the session. Lawmakers approved substantial changes to the workers' compensation system that were backed by several major business groups, including the Illinois Retail Merchants Association and the Illinois Manufacturers' Association. The path to reform was rocky — at one point, the sponsors of the reform bill were threatening to dismantle the entire system. However, Vite, who lobbied lawmakers on the issue, describes the process as a collaboration between both parties and several interest groups. "At any moment ... this legislation could have been derailed. We could be talking about another missed opportunity for workers' compensation. Instead, bipartisanship showed up. Business and labor worked together. Lawmakers rolled up their sleeves and worked with committed business leaders for reform in our workers' compensation laws."

However, the Illinois Chamber of Commerce took a neutral stance on the bill. Chamber president Doug Whitley has vowed to make workers' compensation a campaign issue in the 2014 gubernatorial race if the new law does not lead to savings for employers. He says Illinois cannot pat itself on the back for making a change but must look at what other states are doing to make themselves competitive for businesses. "There's a keeping-up-with-the-Joneses aspect to this," he says.

Other legislation where many business groups declared a victory also ostensibly forced jobs out of the state. A new law that requires Internet retailers such as Amazon.com to collect Illinois sales tax based on relationships with marketers in the state caused Amazon and Overstock.com to sever such relationships. The loss of business chased at least one Web marketing company to a neighboring state. Business organizations pushed hard for the "Amazon tax," saying it is unfair to ask brick and mortar stores to collect the tax while online sellers do not and can therefore sell products for a lower total cost to consumers. Vite points out that Illinois residents who shop online still owe the state tax, but most are unaware or do not pay it. "People who buy owe tax; all we're doing is talking about a collection mechanism."

Business interests also played a hand in passing a landmark education reform package. The Portland-based Stand for Children advocacy group raised millions in campaign cash, some from prominent members of Illinois' business community, and gave big to candidates, the majority of them Democrats, during last year's election. At the same time, teachers' unions had cut their support to send Democrats a message about the recent public employee pension benefit changes — which created a two-tiered system with less generous benefits for those hired after the change. The bill was rushed through the legislative process in one day by Democratic leadership.

When the first hearing on education reform came, union representatives found themselves publicly pleading with the Democrats in charge to slow down and hear their input. They did slow down, and the final package passed in the legislature in May with all groups congratulating each other on working together.

Cut to July. Stand for Children founder Jonah Edelman bragged to an audience at a conference in Aspen, Colo., that his group had exploited the rift between teachers' unions and Democrats and used money and pressure from the media to get the organization's agenda

"We have to improve — if nothing else — the image of Illinois."

**— David Vite, president
Illinois Retail
Merchants Association**

pushed through the legislature. The group's Illinois chapter distanced itself from Edelman's comments, and some say the reality of the process was not as simple as his controversial characterization. Kent Redfield, an emeritus professor at the University of Illinois Springfield, says that teachers' unions pulling their support gave Democrats political "cover" to make some of the changes they did, but that education reform was on their to-do list anyway. "I think it's silly to think that Stand for Children somehow bought the changes. I think it's silly to think that pressure from the [Chicago] Tribune or Stand for Children made those changes happen," Redfield says. "What [the unions] did wasn't prudent as far as their long-term interests, and so Speaker Madigan was less inclined to be accommodating to the unions. But clearly, compared to what's been done in other states, this was pretty modest. This was not a situation where Speaker Madigan or [Senate President John] Cullerton were in some reactive catch-up kind of situation."

Redfield says the recent political shifts have been more about Democrats trying to rehabilitate their image following former Gov. Rod Blagojevich and his legacy of corruption. "Certainly, part of this has been positioning by the Democrats to present themselves as the new and improved Democrats, post-Blagojevich. The [Democratic] legislative leaders have been trying to walk that fine line of not abandoning their base but producing a record of change — a record of policy changes, so they can credibly put out that narrative."

Even before the Blagojevich scandal and the recession put Democrats in political hot water, Redfield says, business groups were starting to become less partisan because they saw no end on the horizon to the Democratic legislative majority. "You had the Chamber of Commerce and business groups looking at this and saying, 'We might be in a permanent minority.' ... And not making it about Democrats or Republicans — that's a big shift from 10 years ago, 15 years ago." Now that Democrats are facing more challenges, Redfield says members of the business community see their opening. "The business interests have been trying to leverage the Democrats' problems to try and get policy changes. They're trying to take advantage of that."

Other analysts say it is a matter of leadership coming around to the difficult decisions required in a new economic landscape. "It's not so much a change as it is a reality. And that's the economic reality facing our state and facing our country," says Laurence Msall, president of the Civic Federation, a Chicago-based think tank, and a member of the *Illinois Issues* Advisory Board.

Business associations say the politicians are courting them. "Illinois came into this recession without a plan and with no reserves," Vite says. "A day doesn't go by when some policymaker doesn't call our office, when a policymaker doesn't say, 'What can we do for you?' ... That's something that we haven't seen here in a long time." Republicans see the change as a result of sticking to their message of fiscal conservatism. "What I think is a good thing that's going on in the state Capitol now is a lot of things that you've been

talking about and a lot of things that we have been talking about on the Republican side are starting to be discussed, and I think will ultimately happen,” House Minority Leader Tom Cross told a gathering of Illinois Chamber of Commerce members during the spring session. “So the persistence pays off. For a number of years there, we were a little frustrated. We weren’t getting anywhere. People weren’t listening. I think the public was. I think you were, and we said, ‘We’re not going to give up.’”

That’s not to say that Democrats have handed business lobbyists the keys to the store. Workers’ compensation changes came on the heels of an increase in the corporate income tax rate to 7 percent from 4.8 percent. The private sector called the increase a jobs killer, and governors from neighboring states began to flagrantly court Illinois businesses with billboards and ad campaigns. Workers’ compensation reforms almost seemed like a bone being tossed to business as Quinn reminded them publicly and often that they pay more for injury insurance than they do to the state in income tax.

The change that some business-backed groups see as the key to the state’s fiscal stability — a reduction in pension benefits for state employees hired before January 2011 — failed to gain the support needed to pass during the spring legislative session. Cross’ bill, which would have allowed employees to keep all benefits earned to date but given them the option of paying more for their benefits or switching to a 401(k)-type plan going forward, never made it to a floor vote.

“The state of Illinois unfortunately is driving economic development decisions to other states,” says Msall. “Stabilizing the state budget would show that we’re serious about creating a state government that is predictable.” Msall and many others believe that the only way to stabilize the budget is to help the state crawl out from under its billions in unfunded pension liabilities by cutting benefits for current employees. “All those other things are nice,” Msall says. But he adds that without addressing the state’s pension liability, changes such as workers’ compensation and Medicaid reform, which also passed with Democratic backing last session, do little to ensure the stability of state government.

Duffy of the CME Group says businesses might have been more open to the income tax increase if changes to the pension benefit structure had been part of the deal. “Address the pension issue and then raise taxes,” he told *Crain’s Chicago Business*. “Say: ‘Listen, if we fix this problem, it’s going to cost us all a few bucks.’ Okay, I’m in.”

Msall says such changes to the pension system would not be an overnight job creator but would give the state a more positive outlook to business and possibly open the door to cheaper borrowing, since such steps toward stability might lead to a better credit rating for the state. Vite agrees that such changes in perception are important. “We have to improve — if

nothing else — the image of Illinois.” He says that some retailers in Illinois are beginning to hire again but admits the employment facet of the recovery is slow in coming. He says some of those that are hiring are having trouble finding solid applicants. “Finding employees that are qualified, ready, willing and able to work, that’s difficult right now.” He adds that the sluggish housing market is affecting lots of other areas as builders are not buying supplies and out-of-work construction laborers are buying less of everything else. “It is a journey right now. It’s not a sprint.”

Madigan and Cross have been meeting with business groups and labor representatives to try to find a change in the pension systems that would stand a chance in the legislature.

Union officials, joined by Cullerton and others, maintain that changes such as the ones in Cross’ legislation violate the state Constitution. They say employees have paid their required share into their retirement, while politicians have skipped payments and used the money to fund programs that are more politically popular. Anders Lindall, spokesman for Council 31 of the American Federation of State, County and Municipal Employees, says members of the business community are using the economic crisis as an opportunity to lower the bar for workers’ benefits in both the public and private sectors by channeling people’s anger over the country’s economic state away from businesses and banks and toward public workers.

“Politicians of both parties, in our view, have been lending way too much credence to attacks on public sector workers. Those who have tried to stoke resentment among public and private sector workers when none should exist manipulate budget problems toward ideological ends,” Lindall says. “They want to impose the same Wal-Martized vision, the same race to the bottom on the public sector, on teachers and police officers, librarians and firefighters, caregivers and sanitation workers.”

Redfield says that in the end, benefits may change little or not at all, and state lawmakers will likely instead try to push the cost of some pensions onto other entities, such as local school districts and universities. “I would be surprised if Cross’ bill passed in the House, and I don’t think it will ever pass in the Senate. That’s just not the way we’re going.”

He says part of what motivates Democrats to make progress on some reforms is a desire to take them off the table as campaign issues for next year’s election, while leaving the door open to revisit them later. “Whether this is the beginning or the end, [they] don’t have to move on it until 2013. They’ve done enough to be able to kind of rest on [their] laurels.” Redfield says it will be easier to tell after the election whether Democrats’ loyalties and the role of business in Illinois policymaking have made a long-term shift. As for the recent changes, Redfield says, “the Democrats are giving some ground or solving problems, depending on your perspective.” ■

by Michael
Hawthorne



Quinn's administration tries to renew cooperative efforts to regulate pollution that were destroyed during the Blagojevich era

When Gov. Pat Quinn signed an overhaul of the state's environmental permitting system in July, he won praise from people who rarely have anything nice to say about regulations or fees: business lobbyists.

The state's environmental groups stayed neutral on **House Bill 1297**, clearing the way for a long-awaited compromise that other governors had repeatedly failed to broker. In return for getting a new, streamlined system for obtaining air pollution permits, the influential Illinois Chamber of Commerce and Illinois Manufacturers Association agreed to boost funding for the Illinois Environmental Protection Agency by paying higher fees and a small industrial sales tax.

The bill was so free of controversy that it sailed through the General Assembly, highlighting a dramatic contrast between the business lobby's fierce attacks on the U.S. Environmental Protection Agency in Washington, D.C., and far more cordial relations at the state level in Springfield. The deal also signaled an important change in tactics and tone from Quinn's combative predecessor, former Gov. Rod Blagojevich.

"At least we can work with Quinn," says Doug Whitley, president of the Illinois Chamber. "We ended up with a good compromise, where even though some of our members will be paying more [for permits], they're getting a system that is far more efficient and

predictable." Says Lisa Bonnett, the state EPA's interim director: "We made no environmental concessions but got a new source of revenue for an important program. We are going to work differently and be more accountable."

After Quinn took office in the wake of Blagojevich's 2008 indictment and impeachment on corruption charges, and won outright by defeating Republican Bill Brady in 2010, public attention has been focused on the governor's attempts to tame the state's budget crisis. Left largely unexplored has been Quinn's record on the environment, a subject he often invoked during his tenure as lieutenant governor under Blagojevich. With a few exceptions, interest groups with a stake in how Illinois protects its air, water and land give Quinn high marks, noting he has been constrained by a weak economy and shrinking tax receipts. More than anything, observers say, the governor and his staff have worked hard behind the scenes to repair relationships frayed by the often-tumultuous Blagojevich years.

One example is enforcement. Under Illinois law, cases where polluters violate permit limits or illegally dump toxic waste generally are investigated by the state EPA, which then refers the matter to the attorney general's office for civil litigation or criminal

prosecution. The process always has been fraught with tension, in part because of political competition between governors and attorneys general. But the system completely broke down during the Blagojevich administration because the governor and his top aides refused to send cases to his arch-nemesis, Attorney General Lisa Madigan. While the two started out amicably after they were elected in 2002, a *Chicago Tribune* investigation found that EPA referrals to the attorney general began to sharply drop in 2005 and fell to a record low of 114 in 2007. At one point, the EPA had not sent a criminal case to the attorney general for two years. By contrast, previous administrations on average referred about 300 environmental cases during the 1980s and '90s. It wasn't as if polluters suddenly wised up and started following the law. When Blagojevich cut \$2.5 million from Madigan's budget, the attorney general responded by threatening to keep all of the money collected from environmental penalties. The budget battle, which spread well beyond the EPA and the attorney general, formalized a dispute that already had taken a toll on day-to-day enforcement.

"Until this issue is appropriately resolved, the Illinois EPA will cease referring matters to your office for enforcement," Alec Messina, then the EPA's chief counsel, wrote in a September 27, 2007, letter to one of Madigan's top environmental attorneys.

The feud extended to cases already in court. On several occasions, officials familiar with the cases say, EPA inspectors were ordered not to show up for depositions or provide evidence critical to pursuing cases against polluters unless the attorney general formally subpoenaed the EPA. Today, though, Quinn and Madigan have worked to repair the relationship. Enforcement numbers are creeping back up — the EPA referred 149 civil cases to the attorney general last year — and news releases announcing new cases often include comments from both agencies.

One reason the numbers aren't even higher, EPA officials say, is that many environmental violations are being addressed without formal enforcement, in part because of state laws that require the agency to conduct informal negotiations that give polluters a chance to skip going to court if they agree to clean up.

"We work well with the governor's office now," says Robyn Zeigler, a Madigan spokeswoman. Says Bonnett: "We're working hard to refer cases in a timely manner. We don't want businesses that aren't good environmental stewards to have an unfair advantage over companies that follow the law."

In September, the two agencies teamed up against a controversial mega-dairy proposed for Jo Daviess County in northwest Illinois. Neighbors have complained for years about plans to build a 5,500-cow operation in an environmentally sensitive watershed. After the EPA investigated contamination that turned a tributary of Apple Creek purple, Madigan's office filed suit against the Tradition Dairy, which if built would be the state's largest confined animal farm. The



Lisa Bonnett is the acting director of the Illinois Environmental Protection Agency.

EPA also denied a water permit for the operation, a move that could prevent the dairy from being built.

The concerted action by Quinn and Madigan came a year after the Obama administration accused Illinois of failing to crack down on water pollution from large confined-animal farms. In a stinging rebuke that ordered the state to fix its troubled permitting and enforcement programs, federal investigators accused Illinois of failing to lock many farms into permits that limit water pollution. The state also has been slow to respond to citizen complaints or take formal enforcement action against big feedlots and dairies that violate federal and state environmental laws, the U.S. EPA said. "Many of these facilities exhibited serious or chronic noncompliance," a federal report concluded.

Another example where the federal government helped nudge Illinois is the longstanding effort to clean up the Chicago River. State, local and federal officials spent two years studying the waterway and another five debating more stringent water quality standards intended to make it safer for recreation. After the longest environmental rulemaking proceeding in state history, the Illinois Pollution Control Board in June demanded that stretches of the Chicago River, Cal-Sag Channel and Little Calumet River should be safe for "primary contact," a legal term that includes kayaking, canoeing, boating, wading and swimming.

Few think the highly engineered waterways will ever be swimming attractions, but the changes are intended to lower the risk of disease while people ply the waters. Quinn and Madigan were strong supporters of the

effort, which got a big boost from Susan Hedman, a former Madigan staffer who now heads the U.S. EPA regional office in Chicago. "That initiative had stalled, but the governor, attorney general and U.S. EPA finally made it happen," says Jack Darin, Illinois director of the Sierra Club. "It shows how in many ways, things are night-and-day different than they were during the Blagojevich administration."

Darin also hailed Quinn for seeking to rebuild the Department of Natural Resources, a target for steep budget cuts during the Blagojevich administration. Conservationists nodded approvingly when Quinn appointed Marc Miller to lead the agency and were even happier when the governor reopened state parks that Blagojevich had ordered closed. The agency has about half of the staff and a third of the budget it did a decade ago, but "they're doing the best they can with limited resources," Darin says.

Disappointments, as far as environmental groups are concerned, generally revolve around the state's politically influential coal industry. The groups howled when Quinn opened up a state park to coal mining. They also fiercely objected when the governor signed bills clearing the way for two controversial coal-to-gas plants, including one that would be built in a low-income Chicago neighborhood where people already breathe some of the nation's dirtiest air. Quinn signed the bills around the same time he created a commission intended to protect poor and minority communities from toxic air pollution.

"The picture is not perfect," says Howard Learner, president of the Environmental Law and Policy Center. "We were very disappointed with the governor's actions on those bills, but overall, I give him high marks."

Changing political dynamics have thwarted other initiatives. Blagojevich, for instance, helped broker an agreement among several Midwest states to curb climate-change pollution. But when Republicans took over the governorships of Indiana, Michigan, Ohio and Wisconsin, political support for the coalition's proposed policies evaporated. Quinn has been a strong supporter of one of the ideas that survived: the state's renewable energy law, which requires power providers to get an increasing proportion of their electricity from wind farms and other sources that don't emit heat-trapping pollution. He also has pushed for long-term contracts for renewable energy companies, a move that helps expand the market and attract more green jobs to the state.

"This administration knows the best way to address our problems is by getting people back to work," says Whitley of the Illinois Chamber. Learner expanded that thought to include Quinn's support for high-speed rail projects, including an upgrade of the heavily traveled Chicago-to-St. Louis corridor. "It shows we can have jobs and economic development," he says, "and a cleaner environment, too."

Michael Hawthorne is the environment reporter for the Chicago Tribune.

2011 SAMUEL K. GOVE LEGISLATIVE INTERNSHIP PROGRAM INDUCTEES ANNOUNCED

The Samuel K. Gove Illinois Legislative Internship Hall of Fame will honor the five individuals listed below who have served as legislative interns at the state Capitol. They will be inducted during a ceremony at the Executive Mansion on Monday, November 7. Inductees are selected based on their contributions to Illinois and its citizens. *Illinois Issues* is sponsoring the event, which will begin with a reception at 5:15 p.m. at the Executive Mansion at Fourth and Jackson Streets, followed by the induction ceremony at 6:30 p.m. Tickets are \$65 per person. Reservations are required. For more information on attending, call 217-206-6084. Or, to purchase tickets online go to <http://illinoisissues.uis.edu>, and look for Gove event registration in the right-hand margin of the Web page.



David Kennedy has served as executive director of the American Council of Engineering Companies of Illinois (ACEC-IL) for the past 25 years. He chairs the State House Committee and serves on the Executive Committee of the Transportation for Illinois Coalition that advocates at the state and national levels for more transportation funds. Following his graduation from Southern Illinois University Carbondale, Kennedy was a legislative intern from 1978-79 with the House Democratic staff where he remained until 1986 when he moved to ACEC-IL. Kennedy is a Springfield resident.



Bruce Kinnett is vice-president at Cook-Witter, Inc., a Springfield lobbying firm. He joined the organization in 1988 with extensive experience in state and national governmental relations, particularly in the areas of health care and environmental concerns. While serving as a legislative intern from 1976-77 with the Senate Republican staff, he coordinated policy research and legislative analysis of many of those same issues. He is a graduate of Illinois College and resides in Springfield.



Michael Maibach has been president and CEO of the European-American Business Council since 2003, an entity that has grown from 12 to 75 member companies with offices in Washington D.C., and Brussels, Belgium. He is a member of the U.S. State Department's Advisory Council on International Economics and has published over 70 essays on American history and society, commercial policy

and global competitiveness. Previously, Maibach worked for Intel Corporation and Caterpillar Inc. Maibach served as a legislative intern with the Senate Republican staff in 1975-76, assigned to then-Minority Leader Bill Harris. He holds a number of degrees from various universities in the subject areas of history, political science, and international business. A native of Peoria, he now resides in Alexandria, Virginia.



Catherine Shannon serves as deputy director at the Illinois Historic Preservation Agency, following four years as director of the Illinois Department of Labor. Shannon had worked as that agency's legislative director since 2004 and as the labor policy advisor to the Governor's office from 2003 to 2004. She also worked previously as legislative director for both the Illinois Federation of Teachers and the Illinois AFL-CIO. Shannon was a legislative intern from 1987-88 and worked on the research/appropriations staff for the House Democrats. She is a graduate of Northern Illinois University and a resident of Springfield.



Frank Straus is deputy director for Revenue and Public Safety for the House Republican staff and has served in that capacity since 2003. He also serves on the Budgets and Revenue Committee for the National Conference of State Legislators. Straus, a graduate of Harvard, began working in state government in 1982 as a Secretary of State Fellow. He then followed that experience into the Legislative Intern program, serving with the House Republican staff. Straus is a resident of Springfield.

Civil unions

Feature

by Kenneth Lowe

Two couples address what the new law has meant to them



Linda Schroeder and Nancy Ryherd have lived together in Decatur for several years. They have 10 cats, four dogs and an abiding love of football, though they cheer for different teams.

"It was just one of those things where we started dating and everything fell in line," Schroeder says. "You know when you're with the right person."

Back in the 1980s, Schroeder served in the U.S. Air Force prior to the institution of the now-discontinued "Don't Ask, Don't Tell" policy that prevented gay and lesbian troops from openly serving in uniform. She had to live in constant fear of being found out and discharged. When she finally gathered up the courage to write a letter to her father telling him she was gay — he was, she says with some ruefulness and some endearment, "your Archie Bunker type" — she had to dispose of his response so it wouldn't be discovered.

"I was really afraid to tell him because I thought he'd throw me out of the family," Schroeder says. "I finally sat down and wrote a long letter to my dad telling him what was going on. My dad was not an affectionate person at all. I got a letter back from him, and it's the only time in my life he ever told me he loved me. I wish I'd kept that letter, but there are some things you don't keep when you're living in the barracks."

Her father died a year later.

Since then, Schroeder met Ryherd through a mutual friend. Schroeder and Ryherd are now regarded as the first same-sex couple in Illinois to get a license to enter into a civil union, after Gov. Pat Quinn signed legislation allowing civil unions beginning in June of this year. They lined up at midnight June 1 to obtain a license along with two other couples from Macon County. For Schroeder, 54, and Ryherd, 49, the wait was seven years.

"In October of 2005, we did a commitment ceremony in front of our friends and family on the grounds of a Unitarian church," Schroeder remembers. "That's what we actually consider our anniversary date. When the civil union law passed, we just did the legal thing."

As the state moves forward with a marriage-like protection available for same-sex couples, the changes likely to occur in the coming years as a result, both socially and economically, are still hard to predict.

A unified tally of civil unions across all 102 counties in the state changes every day. As of late September, 1,532 couples had entered into the agreement in Cook County, according to the county

clerk's office. Courtney Greve, spokeswoman for County Clerk David Orr, says an updated bookkeeping system in the office has allowed an interesting look at the Chicago-area demographics of the first couples who have entered into civil unions.

Of the 1,532 couples, Greve says, 768 are lesbian couples, 665 are gay couples and 99 are heterosexual.

"We are actually working on a survey of the heterosexual couples to find out why they would seek a civil union instead of a marriage license," Greve says. "It's something we're interested in, and we want to make sure those couples know what the process would be if they decide to get married."

The ages of couples are mostly between 31 and 60, though as many as 314 couples are between the ages of 18 and 30, Greve says, including three 18-year-olds. The eldest in the county to enter into a civil union, she says, is 93.

Though the highest concentration is in the city of Chicago, Greve says couples came from all over the county. At least one couple came from Indiana to get a license.

"We have more than 100 municipalities in Cook County, and nearly all of them have representation among those 1,500 couples," Greve says.

It hasn't been as easy as a legislative wave of the hand. County and circuit clerk's offices and the Illinois Department of Public Health's Vital Records division, among many other agencies, have had to prepare new paperwork to accommodate the new classification for thousands of couples throughout the state.

"Initially, we did have to do some revising of birth certificates and death certificates, so that if there was a civil union, it could be appropriately reflected on the death certificate," IDPH spokeswoman Melaney Arnold says.

George Rudis, deputy state registrar with IDPH, says drawing up the forms wasn't difficult.

"I believe that it was a matter of getting the appropriate terminology," he says. "It was pretty easy, since their intention was to make it mirror the marriage act, so we wrote those forms accordingly. We just look at this as a part of our daily duty as a state registrar. I think the impact will be at the county level."

For organizations such as Equality Illinois and Lambda Legal that have been pushing marriage equality for years, it's about more than whether paperwork makes it through the process. Randy Hannig, Equality Illinois' director of public policy, says making sure couples who enter into civil unions have the benefit of the protections they are now guaranteed under the law will be part of his organization's goals going forward.

"There are 650 legal protections that same-sex couples were missing out on that they can now take part in," Hannig says. "Right now, the ink still isn't even dry on the civil unions law, so we're giving it a lot of time to see how it's working — what works, what doesn't work."

Schroeder says the entire process has been fairly accommodating. She received a letter from her insurance company informing her that entering a civil union would mean her partner would be able to receive benefits. She and Ryherd have shared an insurance policy since 2005. Schroeder works with the Illinois secretary of state's office at a driver services facility in Decatur, and state employees in same-sex relationships have been receiving such benefits for several years.

But, she says, a civil union is not marriage. There are no federal protections, and she and Ryherd must still file taxes separately as a result. Other states are under no obligation to recognize that she has a spouse. Hannig says organizations such as his will continue to push for marriage equality, though he says more time will be necessary.

"At the legislative level, civil unions squeaked by, so at this point, even if we wanted to go for a marriage equality bill, the numbers aren't there," Hannig says. "We're hoping as things change, as opinions evolve throughout the country, we'll be there sooner rather than later."

The social impact will likely be hard to quantify for some years, but advocates hope civil unions will lay groundwork, not just legislatively, but in public opinion. Giving marriage-like benefits to gay and lesbian couples essentially promotes their ability to have the stable homes all couples want, Hannig says.

"I think it's opening up a lot of people's eyes, that these couples are like any other couples," Hannig says.

Patrick Bova of Chicago agrees, saying he believes people will see that there are no ill effects to allowing protections for same-sex couples.

"It hasn't happened in states where gay marriage is available," Bova says. "The state's still there; people still get married in the traditional way. It's a step in the right direction, an opportunity to prove that these kinds of relationships are viable, and so it's a good step toward full equality."

Bova's civil union to James Darby came after they had been together 48 years. They've been together 49 in July. They live in a large house in Chicago's Hyde Park neighborhood. A John Phillip Sousa march plays in the background of their answering machine greeting. Now retired and in their early 70s, they rent rooms to graduate students at the University of Chicago.

Darby was a cryptologist in the Navy in the '50s; Bova attended ROTC in college but decided against serving. Both men have advocated for marriage equality and equality in the military. Darby is

Photograph courtesy of Linda Schroeder



Nancy Ryherd and Linda Schroeder celebrate their June 5 civil union.



Patrick Bova and Jim Darby joined dozens of other couples for a June 2 civil union ceremony in Chicago's Millennium Park.

president of Chicago's chapter of American Veterans for Equal Rights, and his presence in the news eventually made his relationship public.

"It's very important to gay people, especially young gay people, that they have more of an impetus, perhaps, to be in a committed relationship," Bova says of civil unions.

Such social changes will likely come as the state moves forward, says Carol Walther, an assistant professor of sociology at Northern Illinois University who has studied patterns of partnership in her LGBT studies.

"As people see more and more gay and lesbian couples and the sky is not falling, there might be a move toward gay marriage," she says, though another major shift going forward will likely be economic. Walther pointed to Vermont as an example of where Illinois might be going. Vermont had civil unions for same-sex couples and then legalized marriage for those couples. In states with civil unions, government gets a bump from the various licenses and registration fees, but states with full marriage see a more pronounced economic benefit.

"If you compare to Iowa, even in Dubuque, which has a really low number of same-sex couples, they saw an increase in photography costs, church costs, even registration costs, and they get a higher boom from that than civil unions," Walther says. States with same-sex marriage tend to see many couples come from surrounding states, and that also factors in economically, he says.

But David Smith of the Illinois Family Institute, an organization that has long opposed civil unions and other benefits for same-sex couples, says the law could have a negative economic impact when it comes to religious institutions that will be poorly served by it.

He says religious institutions such as those with adoption agencies that have policies against adopting

to same-sex or unmarried couples are being edged out because they won't violate their beliefs. The state has already begun canceling its foster care and adoption contracts with Catholic Charities after a judge's ruling. Catholic Charities has a policy against adopting to unmarried couples, including those in a civil union. The matter is being appealed in court.

"Religious liberties are suffering already," Smith says. "We have adoption agencies being discriminated against because of the civil unions law. Obviously it's having an effect on religious liberty, but it's also going to have an effect on the state economically. They're going to put those 10,000 kids in a facility that is not subsidized by the faith community, and those costs are going to run up."

Going forward, the couples say they're optimistic. For Schroeder, 2011 has been a year that saw her civil union and the repeal of Don't Ask, Don't Tell. She never thought she would see either.

"The acceptance of gays in the military ... you know how hard it is to change things in the military?" she asks. "As I've gotten older, I have seen attitudes change toward gays and lesbians for the better. You still have people who will disagree with you left and right and think that we're going to hell in a hand basket, but by and large, more people have become accepting of it, of us." ■ ■ ■

Kenneth Lowe is a reporter for the Decatur Herald and Review.



*Fridays 6:30 p.m.
Saturdays 6:30 a.m.*

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OBITUARY Charles Percy

The former U.S. senator, who defeated Democrat Paul Douglas and served three terms before being unseated by Paul Simon in 1984, died September 17. He was 91.

Once on the cover of *Time* magazine, Percy was both a liberal and a Republican. GOP leaders unsuccessfully wooed him as a presidential candidate in the 1960s, and during Watergate, he considered a run himself.

An outspoken critic of the Vietnam War, he called for a special prosecutor to investigate then-President Richard Nixon and was chief sponsor of the Nuclear Non-Proliferation Act of 1978.

"Over his 18 years in the Senate, Mr. Percy averaged a 52 percent rating from the liberal Americans for Democratic Action and only 30 percent from the American Conservative Union. With the party having moved steadily to the right since then, it was a rating few if any Republicans would receive today," the *New York Times* wrote in its obituary of Percy.

Born in Florida, Percy grew up in the northern suburbs of Chicago. He was a graduate of New Trier High School in Winnetka and the University of Chicago. Before his career in politics began, he served in the Navy. He later became president of Bell & Howell.

U.S. Sen. Mark Kirk said of Percy in a prepared statement:

"As a job creator, he expanded Bell & Howell's

employment twelve-fold. As our senator, he chaired the Foreign Relations Committee during America's comeback that led to the collapse of the Soviet Union and the end of the Cold War. His brand of moderate fiscal conservatism will be missed."



Charles Percy

Former U.S. House Rep. John Porter says: "He was perfectly suited to be a U.S. senator. It was my privilege to serve in Congress with him during my first term and what would be his last."

Toward the end of Percy's 1966 Senate campaign, one of his twin daughters was murdered at home. U.S. Sen. Dick Durbin, in a prepared statement, recalled that period. Durbin was a college student who was with then-Sen. Paul Douglas when he learned of Valerie Percy's slaying.

"Douglas suspended his campaign and fended off all questions until Percy resumed the campaign. In the closing days of that contest, both men showed a humanity and a respect which should be recalled in this era of venomous personal attacks and wild charges."

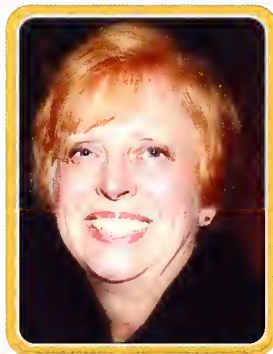
Shifts at the top

Arlene Juracek, a retired vice president at Commonwealth Edison, is Gov. Pat Quinn's choice to head the Illinois Power Agency. But the appointment, which requires Senate approval, has drawn concern from Attorney General Lisa Madigan.

Juracek retired from Commonwealth Edison in 2007 as the vice president of Energy Acquisition. According to Quinn's office, she has worked in energy and transmission services acquisition, purchasing agreements, renewable resource activities, power station engineering, and strategic economic and policy analysis.

A release from Attorney General Lisa Madigan's office said: "We have concerns about this appointment. Ms. Juracek was with ComEd for 35 years and championed the so-called reverse auction that would have been devastating for consumers. In fact, the IPA was formed in reaction to the reverse auction, and ComEd agreed to return \$1 billion to customers. There are many questions that must be answered, including any financial interests or other connections she may have with ComEd or Exelon."

Quinn said in a prepared release: "Arlene Juracek's decades of experience in the energy sector will be critical to fulfilling the



Arlene Juracek

Illinois Power Agency's core mission of ensuring reliable and sustainable energy for Illinois families at the lowest cost."

Juracek also serves on the Mount Prospect Village Board of Trustees and is the former chairwoman of the Mount Prospect Planning and Zoning Commission.

According to Quinn's office: "Juracek will develop and submit annual competitive electricity procurement plans, including the use of conventional and renewable energy and clean coal resources, to the Illinois Commerce Commission. The plans will help ensure adequate, reliable, affordable, efficient and environmentally sustainable electric service at a low cost to families throughout Illinois." She replaces Mark Pruitt, who was appointed by former Gov. Rod Blagojevich.

Michael Jones, Lottery director under former Gov. James Thompson, is Illinois' Lottery superintendent, pending Senate approval.

"Michael Jones' past success in responsibly growing lotteries throughout the world will be invaluable as my administration works to ensure that the Illinois Lottery reaches its full potential," Gov. Pat Quinn said in a prepared statement.

Jones' job will be to "maximize" profits and oversee Northstar Lottery Group's management of lottery operations, according to Quinn's office. Northstar was hired last year to run the state lottery.

After serving as Lottery director from 1981-85, Jones formed a marketing promotion firm that specialized in the gaming industry.

Jan Grimes, executive director of the Illinois Historic Preservation Agency, is resigning this month to take a job in the private sector.

Grimes has been head of the agency since 2008 and previously served as the executive director of Illinois' Capital Development Board. She also was manager of the secretary of state's organ donor program and worked in communications for the Illinois State Library. She has a master's degree from the former Sangamon State University and a bachelor's degree in communications from the University of Illinois Urbana-Champaign. At press time, the historic preservation board was expected to name a new director soon.



Jan Grimes

Dr. Craig Conover, Illinois' chief epidemiologist and medical director of the office of health protection, is the interim director of the Illinois Department of Public Health. He replaces **Dr. Damon Arnold**, who had been public health director since 2007. Arnold is leaving to create a Master of Public Health degree program at

Chicago State University, according to Gov. Pat Quinn's office.

Before joining IDPH, Conover served as a physician in the emergency department at the University of Vermont and chairman of the Division of Infectious Diseases at Provident Hospital in Chicago. Conover holds a master's degree in public health from Johns Hopkins University and a medical degree from the University of Rochester School of Medicine.

Jean Ortega-Piron has been appointed to serve as acting director at the Illinois Department of Children and Family Services. Since 1996, Ortega-Piron has served as deputy director of DCFS' office of guardian and advocacy, which acts as guardian for all children committed to DCFS by Illinois' juvenile courts. "In that role, she was instrumental in establishing the first-in-the-nation memorandum of understanding between a state child welfare agency and Mexico," according to Gov. Pat Quinn's office. She has also served as the DCFS chief administrative law judge and administrator of the appeal and hearings unit. Prior to that, she worked as chief legal counsel for the Illinois Department of Mental Health and Developmental Disabilities. A graduate of Rosary College and Chicago-Kent School of Law, she replaces **Erwin McEwen**, who recently stepped down as DCFS director.

Honors and awards

Jeanne Gang, architect of Chicago's 82-story skyscraper Aqua, is a 2011 MacArthur fellow.

Gang is recognized by the John D. and Catherine T. MacArthur Foundation for establishing a new industry standard in architectural design through her use of "conventional materials, striking composition and ecologically sustainable technology," according to the foundation.

"What we are really good at is looking at the big picture of a problem, not just thinking of it as a building, but how does that building link to many other things as part of an ecosystem almost of the way that we live," Gang says on a video produced by macfound.org. Aqua is her most recognizable building.

"The undulating contours of Aqua's balconies infuse the familiar high-rise profile with an unusual optical poetry; at the same time, energy-efficient features such as heat-resistant and fritted glass, rainwater collection systems and energy-saving lighting systems address environmental concerns on a large scale," the foundation says.

"These challenges that we have encountered and designed are self-imposed. It's a desire to push a material further than it has been pushed before. What we have been trying to do is intersect the wildlife and biodiversity through urban spaces," Gang says.

The MacArthur fellowship is awarded to individuals who have shown exceptional originality and creativity and show promise for future accomplishments. The fellowship is not intended to reward past achievements but is "an investment in a person's originality, insight and potential," according to the foundation.

Photograph courtesy of the John D. and Catherine T. MacArthur Foundation



Jeanne Gang

MacArthur fellows receive a "no strings attached" \$500,000 stipend to expand their knowledge, start new projects or switch career fields if they desire.

"The MacArthur fellowship will allow me to do things that have been just on the fringe and that really interest me, but we haven't been able to push them forward. It's an energizing burst that will help us move our ideas forward," Gang says.

Gang founded Studio Gang Architects in 1997 and has designed residential, educational and commercial structures around the world. She became interested in architecture because it combines her interests of art, math, science and its ties to culture and places, she says.

Kendall Cramer

Honors and awards

Dr. Bruce Beutler, a California scientist who received his medical degree from the University of Chicago, is one of three individuals awarded the 2011 Nobel Prize in medicine.

Beutler, who was born in Chicago, is credited along with French scientist **Jules Hoffmann** with discovering proteins that trigger the human body's immune system.

He received his medical degree in 1981 and went on to work at Rockefeller University in New York and the University of Texas in Dallas. He has been a professor of genetics and immunology at The Scripps Research Institute in La Jolla, Calif., since 2000, according to a Nobel Assembly statement.

"Their work has opened up new avenues for the development of prevention and therapy against infections, cancer and inflammatory diseases," according to the statement.

Beutler and Hoffman will split half of the \$1.5 million award for their discovery. **Ralph Steinman** also was named a Nobel laureate for discerning which cells activate the later stage of immunity, but he died in August, before the Nobel Prize winners were announced.

Saul Perlmutter, a native of Champaign, was awarded the 2011 Nobel Prize in physics for leading a team that discovered that the universe is expanding at an accelerated rate.

Perlmutter is a professor of astrophysics at the University of California in Berkeley and a scientist at Lawrence Berkeley National Laboratory.

He will receive half of a \$1.5 million prize while Nobel Laureates **Brian Schmidt** and **Adam Riess** will split the other half for their work on a separate team that reached the same conclusion.

Both teams studied exploding stars called supernovae and found that more than 50 of them emitted less light than expected, indicating the universe's expansion.

According to the Nobel Assembly, their discoveries "helped to unveil a universe that to a large extent is unknown to science. And everything is possible again."

Kendall Cramer

For more news, see the *Illinois Issues* website at <http://illinoisissues.uis.edu>

Write us



Your comments are welcome.

Please keep them brief (250 words). We reserve the right to excerpt them.

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Fall 2011 Lunch and Learn Series: *Landscapes of the Mind*

Co-sponsored by the UIS Alumni SAGE Society,
UIS Office of the Chancellor
and the Illinois State Historical Society

December 8: Landscapes of Memory:
The Civil War as Illinois History

During the Civil War, the state of Illinois was a pivotal resource for war efforts. More than 250,000 Illinoisans served in the Union army. The state's geographic location and resources made it ideal for housing military supplies, and sites for POW camps, prisons and "brownwater" navy yards. Illinoisans such as Lincoln, Grant and Logan played prominent roles in the war.



Register online at www.uiaa.org/uis

Overcrowded and understaffed, Illinois prisons are in crisis

Ends and Means



Charles N. Wheeler III

The litany was depressingly familiar: overcrowded, understaffed, with limited access to medical and psychiatric treatment, rehabilitative services, education and jobs for inmates.

This time, the dismal review was of the Menard Correctional Center, but its authors, a prison monitoring team from the John Howard Association, could have been writing about any of Illinois' prisons. In fact, in earlier reports, the venerable prison reform group routinely has documented similar conditions throughout the state's correctional system, which for years has been trying to cram close to 50,000 inmates in facilities designed for slightly less than 34,000.

But the tone of the Menard report, released a few weeks ago, seemed a bit more urgent, as monitors cited "an alarming number" of reported staff and inmate assaults and a "significantly large number of mentally ill inmates" whose needs "cannot begin to be met" by the relatively few mental health professionals on staff.

Indeed, Menard is a special case. Opened in 1878, Menard is the second oldest prison in the state — seven years younger than Pontiac — and with some 3,600 inmates, the second largest behind Stateville, which houses almost 4,000, according to the Illinois Department of Corrections' most recent quarterly report.

Menard also has the worst inmate-to-staff ratio — 6-to-1 — of any of the state's four maximum security facilities. That resulted in the prison being on lockdown roughly half the time during the last year and a half, with inmates confined to their cells 24 hours a day.

Even when not on lockdown, the average Menard inmate spends 21 to 22 hours a day locked in his cell idle because the facility lacks the space, staff and resources to provide educational, vocational or job assignments to the vast majority of inmates.

The story is much the same everywhere the monitors go, as they visit about half of the state's 27 adult prisons each year. And the reformers are quite clear that the fault for the current overcrowding, understaffing and lack of resources lies with Gov. Pat Quinn and state legislators.

"The response of Illinois elected officials to the crisis in prison overcrowding has been to strain

The reformers are quite clear that the fault for the current overcrowding, understaffing and lack of resources lies with Gov. Pat Quinn and state legislators.

correctional facilities further — by slashing DOC's budget, eliminating education, treatment and rehabilitative services for inmates, suspending meritorious good time credit and reducing prison staffing levels — all the while doing nothing to reduce the population," they charged in the Menard report.

One's first inclination, of course, is to shed no tears for the guys behind bars along the banks of the Mississippi River or elsewhere. More than half of Menard's inmates are convicted murderers, and a quarter are doing time for serious crimes such as rape and armed robbery. If they live long enough, though, one day most will have done their time and be released. Indeed, only about 3 percent of inmates systemwide are lifers; for the other 97 percent, the average length of stay is less than two years before they're back in the community. That's a point the John Howard monitors underscored in criticizing what they consider the short-sightedness of the governor and state lawmakers.

"Time will tell that these actions served only to compromise the safety and stability of Illinois prisons, and the safety and welfare of the public, by releasing inmates back into the community with serious untreated physical and mental illnesses, and without job skills, education or rehabilitation," they warned.

And, they might have added, continue to contribute to prison overcrowding when roughly half of those ex-convicts get arrested and returned to prison within three years of their release — the state's current recidivism rate.

Prison crowding is not a new issue, of course. Rather, its roots go back decades, reflecting a "get-

The corrections department budget ... has ballooned from about \$200 million to some \$1.2 billion this fiscal year.

tough-on-crime" attitude among the general public that politicians were only too happy to indulge with new crimes and longer sentences for existing ones, as well as a War on Drugs that has done little to curb Americans' appetite for recreational pharmaceuticals but has swelled prison populations.

At the close of the 1970s, for example, Illinois' nine prisons held some 11,000 inmates, with about 3 percent of them serving time for drug offenses. Since then, the numbers have grown steadily, so that today, about 20 percent of the almost 50,000 inmates in the state's 27 adult prisons are behind bars for drug crimes. The corrections department budget, meanwhile, has ballooned from about \$200 million to some \$1.2 billion this fiscal year.

What to do about prison crowding also has been clear for decades: Stop sending so many people to prison by expanding alternative programs such as electronic monitoring and community-based sanctions, and do a better job of preparing those

who do go for life on the outside by providing more educational opportunities, vocational training, drug abuse treatment and life skills training. Currently, only about 8,600 inmates are in educational or vocational programs, and waiting lists are long at most institutions. Similar recommendations emerged from a 1993 task force, only to be largely ignored by lawmakers fearful of voter backlash fueled by "soft-on-crime" attack ads. Now, the stakes could be even higher. Should Quinn and Illinois legislators lack the political will to tackle the prison crowding problem, "it is all but inevitable that this issue will end up being litigated in the courts," the monitors warned in the report.

In that event, a more radical fate might be waiting in the wings: A federal judge could order the state to open its prison doors, as California is now doing after the U.S. Supreme Court ruled in May that overcrowding there violated inmates' constitutional rights, requiring a court-mandated cap on inmate population.

That prospect is so unappealing, one would hope, that the governor and lawmakers finally will enact sensible reforms like those proposed by the 1993 task force, the John Howard Association and others over the years. Better late than never, as they say. ■

Charles N. Wheeler III is director of the Public Affairs Reporting program at the University of Illinois Springfield.

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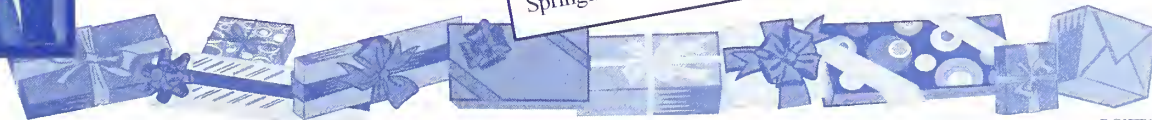
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